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A

HISTORY

OF THE

POLITICAL LIFE

OF THE

RIGHT HONOURABLE

WILLIAM PITT.

VOL. I.

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A

HISTORY

OF THE

POLITICAL LIFE

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RIGHT HONOURABLE

WILLIAM PITT;

INCLUDING SOME ACCOUNT OF

THE TIMES IN WHICH HE LIVED.

BY JOHN GIFFORD, ESQ.

IN SIX VOLUMES.

NEC SIBI, SED TOTI GENITUM SE CREDERE MUNDO.

LUCAN.

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THE TANJORE MAHARAJA SERFOJI'S SARASWATI MAHAL

DEDICATION.

TO THE

RIGHT HONOURABLE

EARL SPENCER,

Knight of the Garter,

&c. &c.

My Lord,

In dedicating these volumes to your Lordship, I shall, at least, be exempted from the imputation of interested motives; since rich, pre-eminently rich, as you unquestionably are, in honour and integrity, you have neither places to distribute, nor power to confer. As the political friend of Mr. Pitt, who, at a most critical period of his public life, sacrificed your personal prepossessions to your country's good;—who, having become his colleague, took an active, conspicuous, and honourable, share

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in all the great and prominent measures of his administration;—who joined him in stemming the torrent of revolutionary principles, which threatened to overwhelm the venerable fabric of our Constitution, and to shake the very foundations of the social edifice;—who braved, with him, the sneers of the envious, the calumnies of the disaffected, and the threats of the common enemy;—who always did justice to his character, while living;—and, who paid the last tribute of respect to his memory, when dead;—there seems a peculiar propriety, My Lord, in dedicating, to your Lordship, this faithful, though feeble, sketch of his Political Life.

Happy, My Lord, to embrace so appropriate an occasion for giving a public testimony, as well of my respect for the integrity, correctness, and gentlemanly attention,* which invariably marked the

* Earl Spencer, when in office, extended his vigilant and active superintendance to every object within the sphere of his department;—he was always easy of access, suffered no application to remain without an answer, and never sunk the *Gentleman* in the *Minister*.

honourable discharge of your official duty, in every situation in which you was placed, as of my esteem for the virtues which uniformly distinguish your conduct in private life; it would ill become me to subject your Lordship to the charge of an implied approbation of all the principles and opinions which these volumes exhibit. On some points, and those not unimportant, I am fully aware, My Lord, that our opinions materially differ; and, proud, as I should be, of a cordial concurrence with your Lordship on every question, as well of practical policy, as of general principles, I know I should incur your contempt, were I base enough to establish it, by a surrender of that mental independence, of which your Lordship is, at once, an excellent judge, and a signal example.

If, in this work, I have expressed strong sentiments, the subject will be found to have called for, and, consequently, to have justified, them.—If I have spoken with freedom of public characters, I have only asserted that liberty which they exer-

cised themselves,—with this difference, that I have never used it but for public purposes, whereas they often employed it for personal objects; and I have carefully confined it within legitimate bounds, while they carried it to an unwarrantable and dangerous excess.—If I have inferred *motives* from *conduct*, I have adopted the only criterion by which the intentions of men can be tried, and the only means of deriving those instructive lessons, which it is the main object of history to communicate, and its peculiar province to impress.— I have endeavoured to state facts with fidelity; and, if I have drawn deductions from them illogical, inconclusive, or false, they must have proceeded from an error in judgment, which, with the premises before him, the reader will have no difficulty to correct. Anxious, above all things, for the establishment of truth, I have pleaded her cause with earnest zeal and sincere devotion; nor have I been deterred from enforcing her precepts by any motives of a personal nature, by the desire of conciliating favour,

on the one hand, or by the fear of giving offence, on the other.

I may, possibly, My Lord, be supposed, by some readers, to have entered more largely into the affairs of Foreign States, than was necessary for the apparently limited subject of my Work: but your Lordship must be sensible, that it was impossible to disconnect the great measures of Mr. Pitt's administration from the concerns of the Continent, to which so many of them had an immediate relation; or to convey a just estimate of the former, without impressing a right understanding of the latter.— And as, in the cursory view of transactions abroad, I have been enabled to correct many misrepresentations which had been industriously circulated at home, I trust your Lordship will concur with me in the opinion, that the course which I have pursued, while it is perfectly consistent with the plan of my Work, is the best calculated to afford information, and to promote truth.

It is to me, My Lord, a matter of serious and deep regret, that this task has not devolved on some one more competent, in many respects, than myself, to do justice to the subject; and that the difficulty which, in a greater or less degree, must always occur in writing the history of contemporary times, should be enhanced by a disregard of the potent consideration, that delicacy to individuals should ever be made to yield to the public good. While I am greatly indebted to the free and open communications of some distinguished persons, I have reason to complain of the apathy and reserve of others;—and, according to my sense of public duty, their notions respecting it are very erroneous, who think it no breach of it to withhold any information tending to elucidate facts which may instruct, or to correct errors which may mislead, the public mind.

Fortunately, however, for the historian, the circumstances and transactions of Mr. Pitt's administration are not locked up in the Cabinet, or confined within the

bosom, of any individual; they have all been subjected to public analysis, and submitted to public discussion.—He has, in fact, been the historian of his own measures, the expounder of his own principles, and the herald of his own deeds. Mr. Pitt's actions required no subterfuge to disguise, no artifice to conceal, them;—the

Nil conscire sibi, et nullâ pallescere culpâ,

was the true characteristic of his feelings. With the pride of conscious integrity, he solicited investigation, and courted publicity. In his luminous and comprehensive Speeches in Parliament, he has explained his motives, and unfolded his views, his objects, and his designs; and has thus, by the supply of an invaluable fund of materials, greatly facilitated the labour of his Political Biographer, which might, indeed, be said chiefly to consist in the proper use, application, and arrangement, of those materials.

I may, then, without presumption, express my belief, that your Lordship will

not perceive, in these volumes, either any superfluous matter, or any important omission; and that, whatever cause of disapprobation you may find in the opinions, you will not discover the slightest ground of censure in the perversion of facts.

I have the honour to be,

My Lord,

With the greatest respect,

Your Lordship's most faithful,

and most obedient Servant,

JOHN GIFFORD.

London,

March 1st, 1809.

THE

POLITICAL LIFE OF MR. PITT.

CHAPTER I.

Cursory View of the State of Europe—American Rebellion—Hostile disposition of the European powers to Great Britain—Armed Neutrality—Treacherous Enmity of the Dutch—Asiatic League against the British power—Acts of Outrage in the Capital of England—Mr. Pitt's birth—his Education—his entrance into Parliament—his first Speech on Mr. Burke's proposals for an œconomical reform—Dissolution of the Ministry—Lord Rockingham, Premier—Mr. Pitt's refusal to come into office—Motives of that refusal—Death of Lord Rockingham—New Ministry—Mr. Pitt Chancellor of the Exchequer—Negotiations for Peace—Mr. Pitt defends the Address to the Throne—his Answer to Mr. Burke—Mr. Fitzherbert sent to Paris—Conclusion of Peace—Terms of the Peace censured by the Opposition—Coalition between Lord North and Mr. Fox—reprobated by Mr. Pitt—Debates on the Peace—Declaration of Principle by Mr. Pitt—The Ministers left in a minority—Ministerial Interregnum—New Ministry—The Duke of Portland, Premier—Mr. Pitt's motion for a Reform in Parliament—his notions of the duty of Representatives—his motion for a Reform in the Public Offices—Close of the Session.

It has often been observed, that, in the political progress of kingdoms and states, there is

a certain point of elevation, beyond which they cannot advance; but from which they must, as if impelled by the controling hand of Providence, upraised to defeat the ambition, and to chastise the presumption, of man, descend, step by step, towards their decline, until they reach the lowest point of depression, until every vestige of their former greatness is effaced, and until rank, character, and independence are destroyed. The observation, however, is more specious than solid; and the events which have, both from ancient and from modern history, been adduced in its support, might, it is apprehended, be fairly traced to causes, which the wisdom of man might have foreseen, and his exertions have averted. Be this as it may, the observation was applied to the state of Great Britain, at the peace of 1762; when this country was supposed, by the prophetic politicians of the day, to have attained, through the skill and the valour of her successive statesmen and officers, that point of elevation in the scale of political greatness, beyond which every effort to pass would prove fruitless, and from which she must, of necessity, recede; and the events which marked the period, at which this history commences, were confidently alluded to, as satisfactory proofs, that these desponding predictions were in the course of accomplishment.

In fact, at this period, the political hemisphere did not present a very favourable aspect. In our American colonies rebellion, encouraged by success, had hoisted the standard of independence; and the complete separation of the United States from the mother country was considered as an event, not only likely to be produced, but impossible to be prevented; while this impending dismemberment of the empire was regarded, both in a political and a commercial point of view, as fraught with the most disastrous consequences. It would not be consistent with the plan of this history, to mark the origin, or to trace the progress, of the American rebellion; nor yet to point out the deficiency of wisdom in the formation of plans, the still greater want of skill, discretion, and vigour, in the execution of them, or the other efficient causes which contributed to the failure of every attempt to suppress it; and, ultimately, to crown the arms of the rebels with success.

The rebellion had, before this period, reached that point of maturity which encouraged the European enemies of Great Britain, who had observed its progress with all the vigilance of envy, to afford every possible assistance to the insurgents. Blinded by present interest to future consequences, and disregarding the fatal contagion of example, France had, at length,

thrown off the mask, concluded a treaty with the rebels, and sent fleets and armies to their support. Her powerful interference speedily produced its expected effect; a British army, of nearly six thousand men, and fifteen hundred seamen, with a number of ships and transports, of various descriptions, had been surrendered, at York Town, to an united force of French and of rebels; and all hopes of success, in the further prosecution of the contest, were thus defeated.

Spain, too, had followed the example of France; and almost all the European powers had either taken an open part in favour of our enemies, or were employed in devising secret, or indirect means, for the promotion of their hostile views. Russia, having settled her dispute with the Turks, and put an end, by the peace of Teschen, to the contest between Prussia and Austria, respecting the succession to the electorate of Bavaria, which had nearly extended the flames of war over the whole of Germany, had placed herself at the head of a maritime confederacy, the object of which was, to destroy one of the effects of the naval superiority enjoyed by Great Britain. She engaged Sweden, Denmark, and Holland, in her plan; and the alliance was consolidated by

a treaty, concluded at Copenhagen, on the 19th of July, 1780, under the false denomination of the ARMED NEUTRALITY. The unlimited protection of neutral trade, of whatever description, was the avowed purpose of this confederacy; under which was included the supply of warlike stores, of all kinds, to any of the belligerent powers. The parties, indeed, professed their determination not to carry on any contraband trade; but, as they were to be the sole judges of what was to be considered as contraband articles, no security was afforded by such a profession. They pledged themselves, too, to resist every attempt to search them, contrary to their own will and pleasure. And, in this naval arrangement, they regarded the existing law of nations as nothing; and *natural right* as their paramount plea, by which they were to silence all opposition. They respectively engaged not only to support each other in the exercise of these assumed privileges; but, in the event of interruption in their proposed trade, without immediate redress, to have joint recourse to reprisals.

There is no one principle of the law of nations more self-evidently just, than that which sanctions the right of a belligerent power to prevent any neutral state from supplying his enemy with naval and military stores. To pro-

vide an enemy with the means either of attack or of resistance, or to augment the means already in his possession, is, in fact, as much an act of hostility, as the actual supply of ships, or of troops; and, consequently, would justify reprisals as much. A treaty, then, which had for its object the protection of such an illicit commerce, bore internal marks of a hostile disposition, which its professions of amity were ineffectual to conceal. And, as the source whence naval stores, in particular, are drawn, in the north of Europe, exposed the ships which bore them more immediately to the attacks of the British Navy, no room was left for doubt, as to the real intention of the contracting parties to inflict a serious injury on this country.

Holland, however, had afforded more unequivocal testimony of her hostile spirit. She had, from the beginning of the American rebellion, given secret assistance to the Insurgents; and, in proportion as the latter became more successful in their efforts, the former became more open in her proffers of friendship, in her protection, and in her succours. In her harbours, prompted alike by native avarice, and by commercial envy, she afforded a safe asylum to the rebel flag; and even allowed the American pirates to dispose of the fruits of their plunder. In short, both in Europe and in America, the

enemies of Great Britain found steady friends in the Dutch, who were always ready to supply them with warlike stores, and with every article of which they stood in need. Regardless alike of the law of nations, and of specific treaties, they employed an armed force to resist our right of search, although exercised in the precise mode prescribed by the treaty of 1674; treated with contempt the remonstrances of our ambassador; and not only refused to supply those succours which, by the treaty of 1716, they were bound to furnish to Great Britain, but actually negotiated a treaty of amity and commerce with our rebellious Colonists. Conduct so decidedly aggressive could not, without a dereliction of honour, and a silent confession of fear, be viewed with indifference by the British government. Satisfaction was demanded of the Dutch; and, that not being obtained, the British ambassador was ordered to withdraw from the Hague, and both nations prepared for active hostilities.

In *Asia* the flames of war had begun to rage with unusual fury. Fomented by the intrigues, and combined by the artifices of France a powerful confederacy of the native princes of India had been formed, for the avowed object of expelling the British settlers from the country. The means seemed adequate to the end. Hyder

Ally, the most able and experienced of all the native chieftains, was placed at the head of this hostile league. He poured into the Carnatic with an immense force, bore down all resistance, took the capital of Arcot by assault, and even alarmed the British government for the safety of Madras. With a happy combination of skill, genius, and courage, Hyder appeared destined to accomplish the mighty project which he had conceived; and the fate of British India seemed suspended by a thread.

At home, a desperate mob, headed by a mad enthusiast, professing alarm for the security of the Protestant church, but actuated solely by a wish for anarchy, and by the hope of plunder, had, in the preceding year, endeavoured to controul the parliament, set all government at defiance, rendered the capital a scene of violence and conflagration, and threatened the dissolution of the social system. Had this infuriate rabble been conducted by an artful and designing demagogue, such as Europe has since produced in abundance, not only the Prisons, but the repositories of the national securities, the public stores of arms and ammunition, the courts of justice, and the palace of royalty, had been destroyed, and the kingdom brought to the very verge of ruin. Happily, the evils resulting from the weakness of civil magistracy was, at

length, repaired by the tardy vigour of government. Tranquillity was restored, guilt punished, and the empire of the laws re-established. A dreadful lesson, however, had been taught to the mob; they had learned the awful secret of their physical efficacy; and it was justly to be apprehended, that, on some future occasion, with zeal more tempered by prudence, and effort more directed by judgment, they might be led to display a spirit, which it might be more difficult to subdue, and to make attempts which it might be more difficult to resist.

[1781.] It was at this period, and under these circumstances, that Mr. Pitt made his first entrance into public life. He was the second son of the Earl of Chatham; and was now in his twenty-second year, having been born on the 28th of May, 1759. He had been educated at home, till the age of fourteen, during which time Dr. Wilson (afterwards canon of Windsor) was his tutor; but, as may easily be supposed, his illustrious father superintended his education with a vigilant eye, and marked, with anxious solicitude, the progressive attainments of a mind, which, at a very early period, had displayed strong indications of the bounty of nature, and afforded great promise of future excellence. At an age when, with the generality of youths, much, indeed, remains to be

learnt at school, Mr. Pitt was found fully qualified for the university; and, accordingly, as soon as he had completed his fourteenth year, he was entered at Pembroke Hall, Cambridge; where he had the good fortune to obtain, for his tutor, Dr. Prettyman, the present bishop of Lincoln. During his residence at college he was distinguished alike for the closeness of his application, and for the success of his efforts, in rendering himself master of those subjects to which his studies were particularly directed. Nor was he less remarkable for the regularity of his conduct, and for his strict attention to that discipline which is not more necessary for a military, than for an academic, life.

He was intended both for the bar and for the senate; and his education was, of course, so regulated as to embrace both these objects. Indeed, to speak correctly, a legal and a political education ought to be nearly the same;—for it is impossible for a man to become an able politician, without an intimate knowledge of the legal history of his country; nor can any one become an able lawyer, without being perfectly conversant with its political history.—It is also of essential importance to a right formation of either, or of both, of these characters, to obtain a full and accurate knowledge of the origin, progress, and decline of ancient states, and of

the laws and constitutions of modern kingdoms —with their interests, their government, and their policy. His proficiency in all these branches of study was considerable; the quickness of his conception rendered the acquisition easy; while the interest which he took in them made the impression permanent. Where the thirst for knowledge is great, the means of attainment are facilitated; and hence, that which is not to be acquired by a mind not feeling such thirst, without intense labour, is attained by the mind which acknowledges its influence, with comparatively little trouble. Mr. Pitt's stay at college was unusually long; nor did he leave it until his mind was as perfectly formed as it could be by theory, unaccompanied with the advantages of experience.

Soon after he quitted the university, he went to the continent, and passed a short time at Rheims, the capital of Champagne. Early in the ensuing year he was called to the bar, and went the western circuit *once*. His success, during this short experiment, was amply sufficient to encourage him to pursue his legal career; and to render him certain of obtaining all the wealth, and all the honours, which await the able and industrious labourers in the vineyard of the law. But he was destined to pursue a different, and a nobler path;—not to devote his superior

talents to the indiscriminate defence of right and wrong; but to appropriate his endowments, both natural and acquired, to the high purposes of framing laws for the government of a free state—of taking an active part in the regulation of her destinies—and even of directing all her moral and physical resources to the preservation of her character, the security of her welfare, the promotion of her prosperity, and the consolidation of her grandeur. Before he had completed his twenty-second year he was returned (on the 23d of January, 1781) member for the borough of Appleby; and, on the twenty-sixth of the following month, he made his first speech on Mr. Burke's motion for an economical reform in the civil list. On this occasion the attention of the House was rivetted on the youthful orator, who, totally unembarrassed by the novelty of the situation in which he had been so lately placed, but for which he had been so long, and so sedulously, prepared, delivered himself with an ease, a grace, a richness of expression, a soundness of judgment, a closeness of argugument, and a classical accuracy of language, which not only answered, but exceeded, all the expectations which had been formed of him. He took the same side in debate with the opposition, because it probably appeared to him to be the right side; but without becoming a member of

the party. He followed the example of his father, in early and strongly expressing his reprobation of the principles on which the American war had been undertaken, and, with much more reason, though not with more warmth, on the manner in which it had been conducted.— He continued to vote with the opposition during the whole of that session of parliament.

[1782.] Early in the spring of the following year, the ministry, assailed on all sides, and unfortunate in all their operations, found themselves unable to resist the incessant attacks of their political opponents, and the failure of all their measures; and, wisely making a virtue of necessity, resigned their offices in the month of March; when lord Rockingham was appointed prime minister, and lord Shelburne and Mr. Fox secretaries of state; while lord Thurlow, though generally disliked by both parties, was suffered to retain his situation as chancellor. An offer was made to Mr. Pitt to include him in the new arrangements; but, by the exercise of a sound discretion, operating on an acute and penetrating judgment, he refused the proffered honours, so flattering to his youth; justly conceiving, that the discordant materials of which the new ministry was composed, afforded but little hopes of its permanency; and still less room for useful exertion, to one who was the

tool of no party, but whose ambition had, for its ruling principle, and for its grand object, the service of his country. The event fully verified the fears, and justified the expectations, of the youthful statesman. In little more than four months, the death of the premier dissolved the ministry; when those obstacles to his acceptance of an important situation, which had influenced his rejection of the former offer, being removed, Mr. Pitt was, on the 10th of July, appointed chancellor of the exchequer; lord Shelburne being first lord of the treasury; and Mr. Fox, Mr. Burke, and lord John Cavendish, with other subordinate members of the Rockingham party, having again returned to their former stations in the ranks of opposition.

Thus, before he had completed his twenty-fourth year, and in less than eighteen months after he had been returned to parliament, was Mr. Pitt raised to a situation of eminence and power which by most would have been considered as a rich reward for many years of political strife, and parliamentary warfare. But Mr. Pitt, impressed with a just sense of his own comprehensive faculties and attainments, had early resolved to accept no subordinate situation under any minister; a resolution in which he had, no doubt, been encouraged to persist, by the consideration that, in any inferior office,

the sphere of his exertions would, of necessity, be extremely circumscribed; and his opportunities for usefulness be proportionately abridged. He was not, however, by this consciousness of his own fitness for a superior station, led to indulge any vain or presumptuous hopes of thus early obtaining it. He betrayed no forwardness of pretension, no impatience of power; but continued to discharge his duty in parliament, independent of party, until he was called upon by his sovereign to fill such a station, and found that he could obey the call with a fair prospect of rendering useful service to the country, the situation of which was by no means encouraging. All our attempts to subdue the rebellious colonists in America had, from the joint operation of ministerial weakness, and opposition violence, proved abortive. Most of our colonial possessions in the West Indies had been reduced by the French; the principal powers of Europe had, as before shewn, through the arts and intrigues of our enemies, become hostile to our cause; and overtures for peace, which had been made by the late ministry, through Mr. Thomas Grenville, who had been dispatched to Paris for the purpose, were received with coldness, and treated with neglect.

Peace, however, appeared to be considered, by all parties, except Lord North and his friends,

as the sole remedy, as well for the evils which really did exist, as for those imaginary dangers and calamities which were indebted for their birth to the heated imagination, and interested minds, of political zealots. To such a pitch, indeed, had this *pacific furor* been carried, that the House of Commons had actually fettered the hands of the Crown, and, by a resolution, most unwise and impolitic, at least, if not *unconstitutional,* had declared all persons, who should advise, or by any means attempt, the farther prosecution of offensive war on the continent of North America, for the purpose of reducing the revolted colonies to obedience by force, *enemies to his Majesty and the country.* Certain it is, that, during the progress of that war, rebellion had met with her most able advocates in an assembly of men, bound, by the most sacred ties, not only to discourage, but to reject and to destroy her, wherever she may rear her blood-stained front.

It formed, therefore, a natural part of the political system of the new administration to pursue, with activity, the negotiations for peace; and accordingly, in the speech delivered from the Throne, soon after their appointment, the public were apprised that such negotiations were considerably advanced. The address, however, though the speech contained promises of speedily

adopting all those reforms, and all those economical plans, the necessity for which had long been enforced, with equal zeal and perseverance, by all the opposers, and the successors, of Lord North, met with considerable opposition from many of the same individuals. The matchless eloquence of Mr. Burke was displayed, in all its plenitude of richness, and of strength, upon this occasion, though certainly not tempered by that sound discretion, and that sober judgment, which, at a subsequent period, rendered it at once the pride of his country, and the admiration of the world. In the present instance, the House, and the public, saw, with astonishment, the indiscretion of age corrected by the prudence of youth. With a serious and impressive air Mr. Pitt most truly reminded the veteran orator, that that was a moment for seriousness, and not for mirth; that the gay flowers of a brilliant and exuberant fancy were proper for their season—for hours of jollity and recreation. He declared, that he should be happy to share in the delights of that fertile imagination, which had so long been the wonder and the pleasure of the House; but he could not consent to indulge himself in admiring "the beautiful motes which people the sun-beam," when his mind was occupied with objects so serious and important as those now before the House; nor could he ap-

prove of the indiscretion of that wit, which so unseasonably ran away with the good sense and sober judgment of the honourable gentleman. He was as willing as any man to unbend his mind, and to indulge in the recreation of the theatre; but it was only in the theatre, and in circles of amusement, that sober men would choose to give a loose to imagination, and to abstract their minds from all business and reflection. He rose, therefore, to bring back the House to sobriety and seriousness; and to tell them, that that was neither a fit time, nor a proper subject, for the exhibition of a gaudy fancy, or the wanton blandishments of theatrical enchantment; it was their duty and business to break the magician's wand, to dispel the cloud, beautiful as it was, which had been thrown over their heads, and to consider, solemnly and gravely, the very perilous situation of the country, and, by the force of their united wisdom, abilities, and experience, endeavour to rescue the kingdom from its difficulties, by the restoration of an honourable peace. He was sorry that he could neither accept the many compliments which Mr. Burke had paid him, nor yet thank him for them, as they were accompanied with animadversions of such a nature, that only the elegance of that gentleman's genius could save them from being ridiculous. All such playful

exercises of his talent for the gay and the ludi crous, he should treat with the same neglect with which all sober men would treat them; and all compliments paid to him in such a style he should never think himself bound to acknowledge. That Mr. Burke's character of the Speech from the Throne, in regard to the matter and manner, would be admitted by the House, he could not believe, because he could not believe that they would consent to call that Speech a farrago of hypocrisies and absurdities, which they had unanimously approved, and for which they had, *nemine contradicente*, agreed to present his Majesty with an address of thanks. That his Majesty's serious admonitions to his Parliament should be branded with such epithets; that his feelings, on so serious a subject as the dismemberment of his empire, should be outraged; that his Speech, delivered with all the sacredness of royalty, should be charged with mockery, hypocrisy, and even profaneness, were things which he did not expect to hear; and which nothing could palliate, but the circumstance of their being the overflowings of a mind, the richness of whose wit was unchecked, for the time, by its wisdom and consideration. Mr. Pitt then proceeded, in a strain of seriousness well suited to the occasion, to defend the sentiments avowed in the Speech; and concluded,

by observing, that he knew not whether Mr. Burke meant to insinuate that he would be guilty of equivocation, when he solemnly stood up as a minister, in that house, and gave an explicit answer to a question explicitly put to him; but he trusted, from his hitherto-unimpeached character, that the House would not, in candour, suppose him to be capable of any such base and scandalous duplicity, till they had proof of his guilt;—when they should be satisfied that he was guilty, then should he expect their detestation; but if it was now meant to impute any such charge to him, he should only say, that the imputation had, if it might be permitted to a young man to say so to one so much older than himself, his scorn and his contempt. If he had deceived the House in this instance, he deserved to be considered as no longer fit to be trusted in any degree. He pledged his honour, that he would never sacrifice his veracity, nor be a party to a fraud, for any poor and inadequate advantages which he could reap from his continuance in a station, for which he did not think himself qualified.

This spirited conclusion carried with it irresistible force. The *mens conscia recti*, which afterwards supported Mr. Pitt so often against the pressure of adverse circumstances, and the weight of calamity, gave spirit and animation to his

language, on his first entrance into public life, and impressed every impartial hearer with the fullest conviction of his sincerity. No division was attempted on this address; the respective parties were not yet prepared for a trial of parliamentary strength; nor had the opposition assumed that degree of force and consistency which it afterwards acquired. Besides, as the conclusion of peace was an event daily to be expected, they thought it better to reserve themselves for that occasion, when they hoped to have some stronger grounds of resistance to ministers, than their conduct had hitherto afforded.

Mr. Grenville having removed those obstructions which are generally found to impede the first overtures for a negotiation for peace, Mr. Fitzherbert, the British envoy at Bruxelles, had, soon after the accession of the new ministry, been sent to Paris, to open and conclude a treaty of peace, with the ministers of France, Spain, and Holland. A Mr. Oswald, a merchant, had been likewise appointed a commissioner to treat with the American commissioners for the same purpose. The treaty with the latter was brought to a speedy conclusion; for, indeed, there was nothing left to treat about, except the settlement of boundaries, and the fate of the loyalists —the House of Commons having previously so

far assumed the right of the executive government, as to preclude the continuance of the war, and, by a necessary consequence, to forbid any farther dispute respecting the professed object of the war—the independence of America. The loyalists were *recommended* to the revolutionary government of their country, from whose humanity they had little, and from whose justice they had less, to expect. The recommendation proved futile, and the expense of indemnifying those faithful subjects for the sad effects of their fidelity to their lawful sovereign, was left to the mother country to defray.

[1783.] On the twentieth of January peace was concluded with France; and a preliminary treaty signed with Spain.—The terms were as favourable as, under all the relative circumstances of the two countries, could reasonably be expected. Still, when these were submitted to parliament, in the following month, they gave rise to very long and animated debates. That Lord North, and his friends, who had uniformly resisted the grant of independence to the rebellious colonists of America, should oppose a treaty in which that grant was ratified and confirmed, was naturally to be expected; but that Mr. Fox, and his associates, who had so long been clamorous for peace

without the smallest regard to the sacrifices by which alone it could be obtained, was a matter for surprise to those who referred such clamours to principle, and not to the spirit of party. Mr. Pitt ably availed himself of this advantage, afforded him by the conduct of his political opponents, to whose recollection he, very properly, called those resolutions of the preceding session, by which ministers were bound to recognize the independence of America; and which, consequently, had deprived them of the advantage-ground in the negotiation. He reminded them also of an application which had been made to the Dutch, by Mr. Fox; an application couched in terms, to his feeling, more degrading than any concession in the present treaty. He asked them, if they had already forgotten the language of that day, when they were told, that we must have peace *on any terms*; peace for a year, for a day; just to give us a little breathing-time?—Were they to be told, that times and circumstances were so completely changed, in the short period of a few months, that what would have been desirable then, would not be so now? Yes, the circumstances were materially changed; for these opinions were given, and these assertions made, when Mr. Fox was in office, and when the task of making peace was likely to fall on his own head. This was the change;

this was the grand alteration of circumstances which had taken place, and which now called for different conditions. That gentleman was no longer in place; he was no longer responsible for the terms, and, therefore, the circumstances were changed.

The first symptom of any concerted union, or regular plan of co-operation, between the opposite parties of Lord North and Mr. Fox, whose avowed principles had been radically different for many years, and whose enmity, particularly with regard to the latter, had been carried to the extremes of personal rancour and invective, appeared in the course of this debate. Not that there was any thing inconsistent in the conduct of Lord North, in his opposition to the peace; not that the peace was opposed, on similar grounds, by both parties; but, from the harmony and communication which evidently subsisted between them; and also from a studious forbearance on either side to express or to insinuate any thing which could be disagreeable to the other, it was perfectly clear, that the coalition, which had for some time been suspected, had actually taken place. At the close of his speech Mr. Pitt alluded to it, in terms of merited severity, and of just reproach. He called it an unnatural alliance, to be reckoned among the wonders of the age. It was not

easy to reconcile such an event to any common rule of judging of men. It stretched to a point of political apostacy, which not only astonished so young a man as he was, but, apparently, surprised and confounded the most veteran observers of the human heart.

The perpetuation of political animosity among the ablest men of the day, would, no doubt, be an act of folly in itself, and of great injustice to the country. And it would be the height of weakness to deprecate all union of men, who may, even on great and leading questions, have voted in opposition to each other. The sacrifice of personal animosity to public good, is a grateful tribute at the shrine of patriotism; and, where the motive is honourable, the deed is highly praiseworthy. But, on the other hand, where political characters have not merely differed in opinion, and in debate, on particular topics of high importance, but have carried on a systematic warfare for a series of years; have opposed each other upon *every* question, and upon *every* principle; and have imposed no restraints, either of decency, or of truth, on their mutual reproaches; their sudden coalition, for the purpose of driving their common adversaries from the seat of power, in order to occupy it themselves, becomes exposed to just and heavy suspicions. In the present

instance the motive was too glaring to be mistaken. Mr. Fox had endeavoured to support himself in office, as a member of the Rockingham party, but had, by the death of his leader, found himself deprived of that influence, which was essential to his continuance in power. He, therefore, rather chose to make overtures to his former political enemy, (whom he had succeeded in displacing) with a view to the recovery of his lost station, than to remain the leader of a barren opposition. The feeling of the country was highly adverse to this coalition, which was generally considered as monstrous, and reviled as unprincipled. And, to say the truth, it tended to sap the basis of political morality, and to shake the confidence of the public in the public characters of the age. Its effect, however, in the House of Commons was immediately, and powerfully, felt. After a debate, which continued during the whole night, a division took place, in which there appeared a majority of *sixteen* against the ministers;—two hundred and twenty-four having voted for the amendment, and only two hundred and eight against it.

The discussion was renewed on the twenty-first of February, when Lord John Cavendish, who was called the father of the coalition, and who had moved the former amendment, submitted a series of resolutions to the House, strongly

censuring the conditions of the peace, as much too favourable to the enemy, but expressing a determination to adhere to them, in order to preserve the public faith inviolate.

On that resolution, which conveyed a censure on the peace, a long and vehement debate ensued; led, on the one side, by Mr. Fox, and, on the other, by Mr. Pitt. Now again the men who had repeatedly pressed on the House, and on the country, the necessity of concluding a *peace on any terms*, did not blush to reprobate the present peace in the strongest terms which indignation could suggest, or eloquence supply. Mr. Pitt, in his answer to Mr. Fox, adverted to the *consistency* which marked that gentleman's conduct, who, because he was prevented from prosecuting Lord North to the satisfaction of public justice, had said, he would embrace him as his friend. So readily did he reconcile extremes, and love the man whom he wished to persecute. With the same spirit, it was supposed, he would cherish the peace, because he abhorred it!—But the sentiments which Mr. Pitt, with equal animation and sincerity, advanced, respecting his own motives, and the ground of his conduct on this occasion, are entitled to particular notice, as they invariably governed his actions through the whole of his political life.—In allusion to Mr. Fox he declared, that the triumphs of party, with which

that self-appointed minister seemed so highly elate, should never betray *him* into any inconsistency, which the busiest suspicion should presume to glance at. He would never engage in political enmities without a public cause. He would never forego such enmities without the public approbation, nor would he be questioned and cast off by one virtuous and dissatisfied friend. These, he said, were the sober and durable triumphs of reason over the weak and profligate inconsistencies of party violence; these, the steady triumphs of virtue over success itself, should be his, not only in the situation in which he then stood, but through every future condition of his life; triumphs which no length of time should diminish; which no change of principles should ever sully.

These were evidently the sentiments of a mind impressed with a powerful feeling of conscious integrity, asserting its own independence, and relying on its own innate strength. Mr. Pitt then defended the peace, not from a consideration of its immediate provisions, distinctly and separately viewed, but on a more broad and comprehensive basis---the relative strength and resources of the respective powers at war. He entered into a justification of Lord Shelburne, regarding the motion as a personal attack upon his Lordship; to wound whom, he averred, was

the object which had raised the storm of faction, was the aim of the unnatural coaliton which had just taken place. "If, however," said he, "the baneful alliance is not already formed, if this ill-omened marriage is not already solemnized, I know a just and lawful impediment, and, in the name of the public safety, I here forbid the banns." In adverting to his own share of the censure which the motion went to inflict on the aggregate body of ministers, he declared he should bear it with fortitude, because his own heart told him he had not acted wrong. To that monitor who never had deceived, and who, he trusted, never would, deceive him, he would confidently repair, as to an adequate asylum from all the clamour which interested faction could raise. He had not been very eager to come in, and he should have no great reluctance to go out, whenever the public were disposed to dismiss him from their service. It had been the great object of his short official existence, to discharge the duties of his station with all the ability and address in his power, and with a fidelity and honour which should bear him up, and give him confidence, under every possible contingency, or disappointment. He could, with sincerity, assert, that he never had a wish which did not terminate in the dearest interests of the nation. At the same

time he avowed, with Mr. Fox, that he too had his ambition. High situation, and great influence, were desirable objects to most men, and objects which he was not ashamed to pursue, which he was even solicitous to possess, whenever they could be acquired with honour, or retained with dignity. On those respectable conditions he was not less ambitious to be great and powerful, than it was natural for a young man to be, with such brilliant examples before him. But even these objects he could relinquish, the moment his duty to his country, his character, and his friends, should render such a sacrifice indispensable. Then he hoped to retire, not disappointed, but triumphant; triumphant in the conviction that his talents, humble as they were, had been earnestly, zealously, and strenuously, employed to the best of his apprehension, in promoting the truest welfare of his country; and that, however he might be charged with weakness of understanding, or error of judgment, nothing could be imputed to him, in his official capacity, which bore the most distant relation to an interested, a corrupt, or a dishonest intention. He then, explicitly disclaimed all systematic opposition to the government, avowing his opinion, that it is of little consequence of whom it was composed, but of the greatest importance that it should

be conducted with firmness, ability, and judgment. And to those who should so conduct it he promised his uniform and steady support.

Towards the close of his speech Mr. Pitt took occasion to repeat, that he had ever been most anxious to do his utmost for the interest of his country; it had been his sole concern to act an honest and upright part; and he was disposed to think, that every instance of his official department would bear a fair and honorable construction; with such intentions he had ventured forward on the public attention; and he appealed with confidence to both sides of the house, for the consistency of his political conduct. His earliest impressions were in favour of the noblest and most disinterested modes of serving the public; these impressions were still dear, and would, he hoped, ever remain dear, to his heart; he would cherish them as a legacy infinitely more valuable than the greatest inheritance. On these principles he had come into parliament, and into place, and he called the whole house to witness, that he had not been under the necessity of contradicting any one public declaration which he had ever made. His conclusion breathed the same animated spirit of manly virtue, and disinterested patriotism. "You may take from me, Sir, the privileges and emoluments of place, but you

cannot, and you shall not, take from me those habitual and warm regards for the prosperity of Great Britain, which constitute the honor, the happiness, the pride of my life; and which, I trust, death alone can extinguish. And with this consolation, the loss of power, Sir, and the loss of fortune, though I affect not to despise them, I hope I shall soon be able to forget:—

"Laudo manentem; si celeres quatit
"Pennas, resigno quæ dedit———
"——————— probamque
"Pauperiem sine dote quæro."

The ministry were left in a minority, the resolutions of Lord John Cavendish being carried by 207 against 190, a majority of *seventeen*. The necessary consequence of this division, by which it appeared that the confidence of the House of Commons was withdrawn from the ministers, was, that his Majesty must either resolve upon a dissolution of Parliament, or chuse a new administration. In the present state of political parties, the latter expedient was deemed most advisable. But some difficulties occurred in the new arrangements, which created a delay by no means pleasing to the minds of the late opposition; and though it was

natural to suppose, that when men who had opposed each other, for a long term of years, and who had repeatedly and solemnly pledged themselves to principles, and to measures, diametrically opposite in their nature, as in their tendency, came to form a ministry, a degree of jealousy, and a mutual wish for the ascendency, would create obstacles to expedition, not very easily surmounted. The delay which appears to have excited uneasiness, in the minds of their adherents, produced two motions, in the House of Commons; one by Mr. Coke, on the 24th of March, and another by the earl of Surrey, on the 31st of that month, the object of which was to accelerate the conclusion of the new arrangements. On the first of these motions, Mr. Pitt made some remarks on the coalition, which are worthy to be recorded in the page of history. He observed, that some people could reconcile it to their minds to part with their old principles, and to adopt new ideas; however such sentiments might agree with tried constitutions, and long practical habits, *he* was yet too young to change his opinions, and to conform his ideas to the tide of interest, or to the prevalence of party. He had formed one opinion, one great principle, by which his conduct was to be regulated; and

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it had taken such deep root in his heart, that he could not erase it. Gentlemen, he said, talked of forgiving animosities, and of altering their political opinions with as much ease as they could change their gloves; that what they reprobated to day, they were justified in applauding to-morrow; and those whom they hated, disdained, and hooted at, in the morning, it was honourable, patriotic, and conscientious, that they should take to their bosom in the evening. This was a maxim, as yet a stranger to his heart. He could not coalesce with those whose principles he knew to be diametrically opposite to his own; because, if they changed to his opinion, he could not depend upon them; and, if he changed to their's, he must be conscious that he was acting against his honest judgment. Parties, formed on such a basis, he truly remarked, could never long continue. There might be a seeming coalition of sentiment, with the coalition of interest; but men who had come to years of discretion, and who well knew how such political marriages were made, would pay very little respect to the oath, by which they were bound, whenever they found it their interest to depart from it. A similarity of ideas, he added, on the authority of the Roman orator, was requi-

site to make friendship permanent,* and, without that similarity, there could not be either public or private coalition that would last. He therefore felt the necessity of an explicit declaration, that he could not bring himself to adopt the same mode of reasoning as was held in justification of the grand coalition, and that his principles were such as were not adapted to times like the present.

On Lord Surrey's motion, which declared that, as no administration had been formed, the *interposition of the house* had become necessary,† Mr. Pitt took occasion to defend the lawful prerogative of the crown, against what he considered as an unconstitutional interference; he reprobated the language and style of the motion as indecent, and the spirit of it as aiming at the very dissolution of the government of the country. And he justly inferred, that, if the most undoubted, the most constitutional, the

* Mr. Pitt did not allude to Cicero; but the sentiment which he expressed is the same which that orator advanced in his Treatise De Amicitiâ.---" Id in quo est OMNIS VIS AMICITIÆ, voluntatum, studiorum, sententiarum summa consensio."

† This motion was so strongly disapproved, that his Lordship was induced to withdraw it, and to substitute one, much more decorous, in its stead.

most necessary prerogative of the crown were to be wrested from it, or that, if any thing like an interference of the House of Commons, indicatory of such an intention, ever took place, there would be an end of the constitution, and of the very political existence of the country. This was true constitutional doctrine; and it is the peculiar duty of a member of parliament to prevent, as far as he can, every attempt to confound the distinct functions of the crown, and of its great councils.—The executive, and the deliberative functions are separated by the constitution, as are the executive and the judicial; and no interference of either with the other, can be suffered without imminent danger to the whole fabric. Every effort to restrain the freedom of parliamentary discussion should be as sedulously guarded against, as every attempt to impose restrictions on the undoubted right of the sovereign to choose his own servants, should be firmly resisted.

The *interregnum*, however, in the ministerial sovereignty, lasted from the twenty-first of February, the day when the minister was left in a minority, to the second of April, when the formation of a new ministry was formally announced.—It consisted of the following characters: the Duke of Portland, First Lord of the Treasury; Lord North, Secretary of State for

the Home Department; Mr. Fox, Secretary of State for the Foreign Department; Lord John Cavendish, Chancellor of the Exchequer; Lord Viscount Keppel, First Lord of the Admiralty; Lord Viscount Stormont, President of the Council; the Earl of Hertford, Chamberlain; the Earl of Carlisle, Lord Privy-Seal; the Earl of Dartmouth, Steward of the Household; Lord Viscount Townshend, Master-general of the Ordnance; Mr. Burke, Paymaster of the Forces; Mr. Charles Townshend, Treasurer of the Navy; Mr. Fitzpatrick, Secretary at War; Mr. Wallace, Attorney-general; Mr. Lee, Solicitor-general; and Messrs. Sheridan and Richard Burke, Secretaries to the Treasury. Lord Mansfield was made Speaker of the House of Lords; and the Great Seal was entrusted to three commissioners, Lord Loughborough, Sir William Ashurst, and Sir Beaumont Hotham. The Earl of Northampton was sent as Viceroy to Ireland; with Mr. Windham for his Secretary, and Mr. Eden, as Vice-treasurer.

Mr. Pitt now found himself again placed in the situation of a private member of parliament; professing attachment to no party; but resolved to perform his duty, by a conscientious promotion of the public welfare. He had, in the preceding year, called the attention of the House to the actual state of the representation

of the Commons of England; and had strongly contended for the necessity of some reformation; he did not, however, specify what species of reform he thought best calculated to remedy the existing evil, but contented himself with proposing the formation of a committee, to whom the whole of the subject should be referred. This proposition was then rejected by a majority of *twenty* only. Now, that his mind was unoccupied by official business, he resolved to bring forward the measure again, but in a more definite form. He, accordingly, on the same day in the present year, the seventh of May, submitted to the House three resolutions: First, That it was the opinion of the House, that measures were highly necessary to be taken for the future prevention of bribery and expense at elections. Second, That, for the future, when the majority of voters for any borough should be convicted of gross and notorious corruption, before a select committee of that House, appointed to try the merits of any election, such borough should be disfranchised, and the minority of voters not so convicted, should be entitled to vote for the county in which such borough should be situated. Third, That an addition of Knights of the Shire, and of representatives of the metropolis, should be added to the state of the representation.

This was certainly a less objectionable mode of proceeding than the appointment of a Committee, without any specific or limited object, but to which a latitude of inquiry was to be allowed, that would, of necessity, occupy the time and attention of the members, for no inconsiderable part of the session. In the present case, the whole scope and tenour of the proposition were opened to every eye, and reduced to the level of every understanding. And of all the plans of reform which had been in contemplation, at that period, this was unquestionably the least exceptionable. To the two first propositions it was natural to suppose, that little or no opposition would be made; for, as it was notorious that the practice of bribery at elections had existed to a considerable extent, it was the bounden duty of the House to provide some adequate means of preventing, in future, the continuance of such destructive corruption;—and it was difficult to conceive a better or more efficacious means of prevention, than the disfranchisement of boroughs, which should, after such notice, be convicted thereof. The proposal, too, to increase the number of county members, and of the members for the metropolis, was as little objectionable as any proposal could be, which had for its object an increase of the existing

number of representatives.—But had the measure been deemed advisable by the House, it would, it is conceived, have been conformable with the principles of the constitution, to reduce it into the shape of a bill, that so important an alteration in the system of representation, might have all the weight and consequence of an act of the whole legislature. As the power of enfranchising boroughs is vested, by the constitution, in the crown, the right of disfranchisement cannot, consistently, be exercised, without the interference, or, at least, without the consent, of the crown. The resolutions, however, were all rejected, after a long and able discussion, by a majority of *one hundred and forty-four*.

This debate afforded Mr. Pitt an opportunity of explaining his notions of the nature and duty of the representatives of the people. His idea of representation was stated to be this, that the members, once chosen, and returned to parliament, were, in effect, the representatives of the people at large, as well of those who did not vote at all, as of those by whose suffrages they were actually seated in the House. On this principle he could not consent to an innovation founded on doctrines subversive of liberty, which, in reality, went so far as to say, that no House of Commons ever had been a

true and constitutional representation of the people; for no House of Commons had yet been elected by *all* the men in the kingdom. The country had long prospered, and had even attained the very summit of glory, though this doctrine of universal suffrage had never been embraced; and he hoped, that no one would ever introduce it into the laws of England, or treat it in any other light than as a mere speculative proposition, that might be good in theory, but which it would be absurd and chimerical to endeavour to reduce to practice.—He also declared his repugnance to adopt the proposition, which had been urged by many, for the abolition of *rotten boroughs*, which he considered as deformities which disfigured, in some degree, the fair fabric of the constitution; but which he thought could not be removed, without endangering the whole pile. These sentiments were very different from the wild speculations of the visionary reformers of the day; and, as experience has since proved, that an increase of the number of representatives is not productive of those inconveniences which were expected to result from it, it may, perhaps, be wished, that Mr. Pitt's experiment had been tried. It is certain, however, that, at a subsequent period of his life, when he had had full opportunity for maturing his judgment, by study, reflection,

and experience, Mr. Pitt's opinion of this proposed innovation had undergone a total change; and that he became convinced, that, whatever plausible objections might be urged, that is, plausible in *theory*, against the insufficiency of the existing system of representation, the parliament contained as great a portion of the united talents, integrity, and knowledge, of the country, as could possibly be collected together, by any improvement in the mode of election which ever had been, or which ever could be, proposed; and that as much practical good was produced, by such a parliament, as could be expected from any other assembly, however chosen.

Before this session of parliament closed, Mr. Pitt brought in a bill, founded on certain promises in the King's speech, the object of which was to effect a reform in the principal offices under government, in respect of fees, and of useless expenses, which was referred to a committee, but no further proceedings were had upon it. The circumstance is only mentioned here, as affording an elucidation of his public character; by proving that he never, as a minister, made a promise which he did not intend to perform; nor suffered his practice to be at variance with his professions. In the course of the session, the affairs of the East-India Company

had been referred to committees, appointed for investigating them, with a minuteness and attention, of which a large assembly was incapable. And considerable progress was made by the committees, in their researches on this important subject; as it was intended to follow up their report, with a legislative measure of great importance. But the whole of this inquiry, the causes in which it originated, and the consequences which it produced, must be reserved for the subject of a separate chapter.

CHAP. II.

Affairs of India—Rigorous Policy adopted by Mr. Hastings—Appointment of Committees of Inquiry by the House of Commons, for the Investigation of Abuses in the Government of India—Report of the Committees—Proceedings against Sir Thomas Rumbold and others—Meeting of Parliament—Mr. Fox's India Bills—Debates on them—Strongly opposed by Mr. Pitt—Petitions against the Bills, from various commercial Bodies—Carried through the House of Commons by a great Majority—Highly disapproved by the Public—Discussions in the House of Lords—Lord Thurlow heads the Opposition; and panegyrizes Mr. Hastings—Bills rejected on the second Reading—Unconstitutional Proceedings of the Commons—Ministers dismissed with Disgrace—New Administration—Mr. Pitt, Prime Minister.

THE affairs of India had, for a long time, occupied the occasional attention of Parliament, and had given rise to the appointment of two committees, who were instructed to investigate the concerns of the East India Company, and the conduct of their servants, with a degree of

attention and minuteness, proportioned to the magnitude of the measures intended to be founded on the result of their inquiries. Mr. Warren Hastings was, at this period, Governor-General of Bengal, and, by the adoption of a vigorous and decisive line of policy, he had succeeded in detaching the Mahrattas from the formidable league which threatened the dissolution of our empire in that quarter of the globe; had punished the Rajah of Benares, for an imputed infraction of an existing treaty, and for the hostile intentions which he was said to entertain, by expelling him from all his strong fastnesses, driving him into exile, and transferring his possessions to another branch of his family;—and had, in fact, resisted every effort to crush the power, or to injure the interests, of Britain, by the *creation*, as it were, of means and resources, without which the British dominions in India must have speedily disappeared. For the accomplishment of this mighty end, he was reproached with having recourse to measures of injustice, violence, and oppression, particularly in his conduct to Cheit Sing, the deposed Rajah of Benares; and the whole of his policy, indeed, was exposed to much bitter reproach, and afterwards became the subject of parliamentary investigation.

Before this period, however, the attention

of the House of Commons had been frequently directed to Indian affairs; and early in the year 1781, the two India Committees, before alluded to, had been appointed. Of these, one was a *select committee*, and the other a *secret committee*. The object of the first was, to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orixa; and to consider how the British possessions in the East Indies might be held and governed with the greatest security and advantage to this country; and by what means the happiness of the native inhabitants might be best promoted. By such instructions, it will be perceived, an immense field of inquiry was opened to the committee, and a vast scope afforded for the promulgation of speculative opinions, and for the display of theoretical ingenuity. They implied, too, the possession of such practical and local knowledge as few members could be supposed to possess; though, without it, none could be qualified to give a satisfactory account of the best means of promoting the happiness of the numerous tribes which then peopled the British dominions in the east. The second committee was directed to inquire into the causes of the war in the Carnatic, and of the condition of the British possessions in those parts.

Mr. Henry Dundas, who was then Lord

Advocate of Scotland, was chairman of the secret committee, and produced their report to the House of Commons on the 9th of April, 1782; on which occasion he took a comprehensive view of the subject referred to their consideration, in a speech, the delivery of which occupied three hours. He imputed the calamitous condition of our eastern territories, chiefly, to a departure from the policy prescribed to the Company's servants, of undertaking no military operations for the purpose of conquest; to the corrupt interposition of those servants in the private or public disputes of the native powers; to their frequent breaches of faith, and contempt of treaties; to their peculation, and scandalous oppression of the natives; and, finally, to the encouragement afforded to such proceedings by the conduct of the directors at home, who neglected to adopt the means within their power, for repressing, and for punishing, the abuses of those servants, and who were even charged with connivance at the most criminal abuses, when calculated to increase their profits.

From general charges, which are more easily advanced than confuted, Mr. Dundas descended to particulars, and stated specific acts of the government of India, which deserved the character which he had given of them. These chiefly related to the support of unjust wars; to the

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cruel treatment of some of the native powers; to the violation of engagements to others; to the arbitrary exactions of free gifts, under the denomination of *nazirs*; and to the fraudulent grant of leases, from interested motives. These charges were afterwards formed into resolutions, which were adopted by the House. Having stated such instances of criminality as would, in his apprehension, justify the inferences which he was prepared to draw, he contended that the interposition of the legislature was indispensably necessary, for the purpose of bringing delinquents to punishment, as well as for that of depriving them of the means of committing similar offences in future. Equally necessary was it, in his opinion, that commissioners, vested with high authority, should be sent to India, in order to give effect to any resolutions of the House, or to any provisions of the legislature.

On a subsequent day, Mr. Dundas brought forward the resolutions founded on the report of the committee; one of which went to criminate Sir Thomas Rumbold, a member of the house, who had been President of the Council of Madras. These resolutions, with numerous others, brought forward three days after, were all agreed to by the House; and a bill of pains and penalties was accordingly brought in against Sir Thomas Rumbold, Peter Perring, and John

Whitehill, for high crimes and misdemeanours. The progress of this bill, however, but ill corresponded with the rapidity with which the mass of criminal matter, on which it was founded, had been received and adopted by the House. Sir Thomas Rumbold was, of course, heard in his defence; the session of 1782 passed away; and, in the middle of the ensuing summer, the further consideration of the bill was, upon motion, postponed for three months, which put an end to all the proceedings on the subject.

Among the other resolutions was one which had for its object the immediate recall of Mr. Hastings, the Governor-General, and of Mr. Hornsby, the Governor of Bombay. This resolution concluded with the assertion, that it was the duty of the Directors of the East India Company to pursue all legal and effectual means for the removal of the said Governor-General and President from their respective offices, and to recall them to Great Britain. In this instance, however, the House of Commons acted most inconsiderately, by the adoption of resolutions which they had no power to enforce. The Directors endeavoured, indeed, to gratify the wishes of the House, but they were themselves subject to the Proprietors at large, who rescinded their resolution for the recall of Mr. Hastings; and thus rendered the proceedings of the Commons

so far nugatory. But the reports of the select committee of the House, which entered deeply into the constitution of the East India Company, and of their government, considered both in a political and in a commercial point of view, supplied Mr. Fox with the ground-work of those bills which he afterwards submitted to Parliament, and which were productive of such serious consequences to himself and to his party.

[1783.] On the 11th of November, the Parliament met; and the Speech from the Throne, after announcing the conclusion of definitive treaties of peace, recommended to the serious attention of both Houses, the state of the East India Company. Mr. Pitt adverted, with great force, on this occasion, to the inconsistency of the ministers and their friends, in voting an address of thanks to their Sovereign, for having concluded definitive treaties of peace, containing the very same provisions as those preliminary articles which they had before voted to be inadequate and dishonourable. While, however, he reproached them on this ground, he expressed his entire approbation of the grand objects of reform which they professed to have in view; and hoped that the means which they had to propose would be found adequate to the end which they meant to accomplish. Mr. Fox, in

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return, declared, that nothing could afford him greater satisfaction as a minister, or prouder exultation as a man, than the praise and support of Mr. Pitt; and, in answer to some observations of the latter, respecting Indian affairs, Mr. Fox added, that he should bring forward a bill for the better regulation of the government of India, on the eighteenth of that month.

Accordingly, on the eighteenth of November, Mr. Fox moved for leave to bring in two bills, one for vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors; and the other, for the better government of the territorial possessions and dependencies in India. By the first of these bills, it was proposed to vest in seven commissioners, namely, William Earl Fitzwilliam, the right honourable lord George viscount Lewisham, the honourable George Augustus North, sir Henry Fletcher, and Robert Gregory, esquire, the whole government and management of the territorial possessions, revenues, and commerce, of the company, together with all and singular the powers and authorities before vested in the directors, or in the general court of proprietors of the said company. For the sole purpose of ordering and managing the commerce of the company, nine assistant directors, being proprietors, each, of two thousand

pounds capital India stock, were to be appointed, with a salary of five hundred pounds, to be paid by the company, to act under, and to be subject to, the aforesaid commissioners, who were to be appointed, in the first instance, by parliament, and removeable only by address from either house. All vacancies in the commission were to be filled by his majesty; and, in the offices of assistant directors, by the proprietors of the company. These latter were to be removeable by five of the seven commissioners, who were to enter the cause and grounds of their removal in their journals, and sign them with their respective names. Every half year, the commissioners were to lay, before a general court of proprietors, an exact state of the mercantile concerns of the company; and to lay the same, and other accounts, before the lords of the treasury, previous to the commencement of every session, for the purpose of being submitted to parliament. Power was given to the commissioners, to remove, suspend, appoint, or restore any of the officers in the company's service, either civil or military. Provisions were made for bringing to trial, in a speedy and effectual manner, all persons charged with the commission of offences in India; and for preventing persons so charged from returning to India, before a due examination of the

charges. Means were provided also for the expeditious decision of all doubts and differences which might arise amongst the members of the government in India. On complaint of any breach of treaty, injury, wrong, or oppression, committed against any native prince in India, or if any such wrong should appear on any part of their correspondence, the commissioners were, with all possible expedition, to enquire into the same, and to render full and complete justice between the parties. Such were the leading provisions of the first bill. By the second bill, the powers granted to the governor-general and council, over the other presidencies, in matters of war, peace, and treaties, were more fully explained, and strict obedience to the orders of the new commissioners were enjoined. It regulated some matters of inferior moment, and then proceeded to forbid the enchange, or the acquisition, or the invasion of any territory in India, or the formation of any alliances for such purposes, or the hiring out any part of the company's forces, by the council-general or any presidency. It prohibited the appointment, to any office, of any person who had been removed for misdemeanour, and forbade to let out any farm to the servants of persons holding civil employments under the company. It abolished all monopolies

in India, and forbade the acceptance of presents under heavy penalties. It secured to the native landholders an estate of inheritance, and provided against the alteration or increase of rents. Provisions were adopted, and regulations made, for preventing impositions of all kinds on such of the native princes as paid tribute to the company, or were otherwise dependent on, or connected with, them; and secured to them their rights both of possession and of inheritance. A mode was prescribed for adjusting the differences between the nabob of Arcot and the rajah of Tanjore, and between those princes and their British creditors; and the restoration of the deposed Polygars was directed.

Such was the substance of these two memorable bills, which created so much discussion, both in Parliament and out of it, and which were productive of consequences the very reverse of those which Mr. Fox himself had expected to ensue from them. They certainly exhibited a bold and daring plan, original in conception, comprehensive in scope, and energetic in operation; a plan, manifesting a strong, vigorous, and ambitious mind; evidently capable of great efforts, undismayed by obstacles, and prepared to adapt its means to its purposes. Aware of the immediate effect which the exposition of his project was likely to produce, and

compelled to acknowledge its departure from the whole system of our Indian policy, the framer of it rested its defence, chiefly, on the broad, but still dangerous, ground of necessity, which has been too generally stigmatised as the tyrant's plea, but which must often form the statesman's guide. In order to support the ground, which the advocates for the bill had thus assumed, they contended that the abuses alleged to exist in the government of our Indian possessions, were enormous, both in magnitude and extent; and had become so habitual as to be utterly incurable without a total change of system. They then entered upon a general statement of the finances of the company, who had, in the preceding year, been reduced to the necessity of applying to parliament for leave to borrow half a million; and, at a subsequent period, for a farther aid of three hundred thousand pounds, in exchequer bills, and for the remission of the payment of customs, to the amount of nearly a million more. Though restricted from the acceptance of bills from India, beyond three hundred thousand pounds, without the express permission of the lords of the treasury; they had recently applied for permission to pay a surplus demand, of the same description, from Bengal, to the amount of nearly two millions. If these bills were suffered

to be protested, not only the credit of the company, but that of the nation would be materially affected; while the allowance to accept them, by which the public faith would be pledged for their payment, was a matter that required the most serious consideration, and a previous examination into the state of the company's affairs. This examination had accordingly been made, and the result of it presented a debt of eleven millions, with a stock in hand, applicable to its payment, of only three millions two hundred thousand pounds. It was contended that the existence of this enormous deficit, imperiously called for a radical reform in the management of their affairs, and that the House of Commons could not, consistently with their duty, advance the public money on the security of a company that stood on the very verge of bankruptcy.

Other abuses were stated to arise out of the political misconduct of the company's servants, in their treatment of the independent powers of India, of the states in alliance with, or dependent on, them; and in the government of their own territorial possessions. They were charged with undertaking most ruinous and unjust wars, without any fair pretext, and solely for the purpose of conquest; with violations of treaty, and breaches of faith; with

exposing the company's assistance to sale, in order to foment and encourage disputes between the native princes; and with basely betraying every power with which they had formed a connection. Facts taken from the reports of the committees were offered in proof of their allegations; and the conduct of Mr. Hastings, in particular, was described as tyrannical and oppressive, and as affording just and proper ground for distinct and specific proceedings.

Again, the company's servants, in India, were accused of the most corrupt and ruinous interference in the internal government of the princes, who were dependent on them; of an unjust invasion of their rights; and of the arbitrary exaction of enormous aids and tributes. Those in the civil departments were described as guilty of the most scandalous peculation; while disorders of every kind, added to rapaciousness, were ascribed to the military.

The management of their own territorial possessions was stated to have for its object, exclusively, the accumulation of wealth for the purpose of transmission to Europe. For the attainment of this object, monopolies were said to have been established for every article of trade, and even for the necessaries of life; the odious privilege of pre-emption was secured to the company; by which, and by other measures of a simi-

lar nature, the native bankers of the country were driven out of the market, while the agriculturist, and the manufacturer, deprived of the benefit of fair competition, were obliged to accept whatever the company chose to give, for the produce of their land and of their labour. The oppression and cruelty with which those measures were carried into effect, were stated to be more intolerable than even the measures themselves; and the subordinate agents, imitating the conduct of their employers, became extortioners and plunderers, and aggravated, in an infinite degree, the evils sustained by the miserable natives.

An instance of peculiar oppression was asserted to have occurred in the provinces of Bengal and Bahar. They had been laid waste by a famine, which, in its desolating course, had swept away no less than one-third of their inhabitants; when, instead of affording that relief which the distressing circumstances of the case seemed imperatively to require, the remaining two-thirds of the inhabitants were compelled to pay the same tribute which had been previously exacted from the whole. A measure so oppressive had an immediate effect on the country; the decline of which became as rapid, as its prosperity was before manifest. In this emergency, dreading to lose their tribute,

the company's government put up the whole landed interest of Bengal to auction, without the smallest regard to private property, and without any preference to the ancient possessors. The consequence was, that the lowest and most profligate speculators acquired the patrimonial lands of the Zemindars, and a black agent, or steward, of the Governor-general, was asserted to have possessed himself of farms of the annual value of one hundred and thirty thousand pounds sterling.

While the natives were thus oppressed, on the one hand, they were, on the other, excluded from all places of trust and profit, and the sum of £420,000, which had been allotted to the Nabob of Bengal, (as the condition of the grant of the territorial revenue, which amounted to three millions) for the support of his government, had been reduced to £160,000, in direct infraction of the treaty; and, consequently, his power of affording employment and relief to the natives was diminished in proportion.

From these atrocious proceedings, and the disgrace and odium consequent thereon, it was insisted that our Indian territories, instead of being productive of emolument to the nation, were likely to become extremely burdensome; that all confidence in our integrity was destroyed,

and that our power was viewed, by the natives, with detestation and mistrust. It was strenuously urged, in the course of the debate, and it was one of the strongest arguments used on the occasion, that a company of merchants were utterly unfit to be entrusted with the political government of a distant foreign dominion, or with the management of large territorial revenues. And another argument, less strong, but more successful, was drawn from the peculiar constitution and circumstances of the company, in order to prove its inadequacy to the correction of abuses, or to the good government of the country consigned to its care.

On the other hand, it was generally admitted, that great abuses did really exist in India, and that means for their correction ought to be devised; but enormous, indeed, must they be to justify a measure which was represented as an entire abrogation of all the ancient charters and privileges, by which the company had been first established, and had since existed. The *necessity* for this measure, which had been so strongly insisted on, was as peremptorily denied to exist. Mr. Pitt, who took the lead in opposition to the bills, declared that the only reason which he had heard in favour of the necessity, was that of destroying the corrupt influence

which had been exerted by the company and their servants, in both Houses of Parliament. But this, he contended, was an argument against the principle of the bill; for if government possessed themselves of this source of influence and corruption, it would no longer be the influence of a company, but that of the executive government. He observed, that it was the principle and avowed object of the bill, to place the whole system of Indian government in the hands of seven persons, under the immediate appointment of the minister himself. The minister would then virtually be the governor of India; he would have all the power and patronage which the bill professed, (and that profession was urged as its chief recommendation) to eradicate. The whole of the proposed system was characterized as nothing more than absolute despotism on the one side, and the most gross corruption on the other; and the house was called upon, by Mr. Pitt, to resist it as one of the boldest, most desperate, and most alarming attempts at the exercise of tyranny, that ever disgraced the annals of this or any other country. It was observed, that Mr. Fox, whose eloquence, and whose abilities, would lend a grace to deformity, had appealed to the passions, and pressed home to the hearts of the members, the distressed situation of the unhappy natives of India; a situation

which every man must deeply deplore, and anxiously wish to relieve. But ought he to proceed to the protection of the oppressed abroad, by enforcing the most unparalleled oppression at home? Was the relief to be administered in Asia, to be grounded on violence and injustice in Europe?—The state of the company's affairs was charged to have been grossly misrepresented; and, from a comparison of their assets with their debts, it was inferred, that there was no deficiency whatever in their capital; that, though distressed, they were by no means insolvent; and, it was insisted, that they ought to be allowed an opportunity of proving the whole of the statement of their affairs at the bar of the House.

It was further argued, (by Mr. Dundas) that the bill was calculated, not to increase the influence, but to bear down the power, of the crown, by the creation of a fourth estate, which would destroy the balance established by the other parts of the constitution. The author of the bill was represented by its opposers, as a man of most splendid talents, of most intrepid spirit, and of boundless ambition; who, professing, as a leading article of his political creed, that Britain ought to be governed by a party, had formed the present system, for the perpetuation of such a government. The bill

was stated to exhibit all the prominent features of its author's character and sentiments; its end was perpetual dictatorship to himself; the means proposed for its attainment were the exclusive possession, and exercise, of the whole influence and patronage of India, by the members and agents of a party which were totally at his devotion. In order to force his way to the supreme direction of his majesty's government, Mr. Fox had coalesced with those statesmen whose conduct and principles he had uniformly reprobated: and his views extending as he advanced, he now proposed to make his power perpetual and uncontrollable.

In answer to some parts of these charges, it was maintained, that no new power, whatever, was created by the bills, and that if the Indian government were a fourth estate, it had existed as such ever since its formation. That the new commissioners would be possessed of influence, was admitted; but the power which gave birth to it was wisely and safely deposited. The duration of their authority was defended on the ground that time was necessary for the completion of their projects of reform, which ought not to be interrupted by the vicissitudes of ministerial revolutions; and great credit was assumed, by the friends of the bill, for the caution and forbearance which marked its pro-

visions. The commissioners were, in the first instance, named by the House of Commons, in conformity to established usage, and every means had been adopted for securing the due execution of their trust. The bills rendered all concealment impossible; they annexed responsibility, not only to every *action*, but even to the *inaction* of the persons who were to carry them into effect; and they provided for a strict examination and scrutiny.

In the interval between the first and second reading of these bills, the proprietors and directors of the East India Company had presented petitions against it; in which they requested that their property might not be confiscated without evidence of delinquency; and that, before the House passed a bill which would operate as a sentence of condemnation, it would condescend to prove their guilt: and the petitioners asserted, in contradiction to the charge of bankruptcy, that they were prepared to shew, that their assets exceeded their debts. Their counsel pressed these powerful arguments at the bar of the House; but without effect. Every motion for delay, with a view to give time for further investigation, and proofs, on a subject so important, was resisted; the bills proceeded through the different stages, and were

finally passed on the eighth of December, by a majority of one hundred and six.

Meanwhile, the arguments urged in opposition to the bills had made a much greater impression on the mind of the public, than on that of the House of Commons. The subject was deeply investigated in various publications, and the general opinion was decidedly against the measure. The bills were read a first time in the House of Lords, on the Thursday after they had passed the Commons, when a very warm and animated debate took place; in the course of which lord Thurlow vindicated the governor-general of India against the attacks which had been made on him in the other House. He described Mr. Hastings as one of the most inestimable characters which the country had ever produced: he had served the East India Company for three and thirty years, twelve of which he had been president of Bengal. His knowledge of the country, and its inhabitants, was most extensive. By his integrity, honour, firmness of mind, and perseverance, he had encountered difficulties which would have subdued the spirit of any other man, and had surmounted every obstacle. Such was the vigour of our government in Bengal, such were the regulations for the administration of justice in the provinces, and such the œconomical arrangements formed by

the civil and military departments, that lord Thurlow did not believe it could be in the power of the folly and ignorance of the most favourite clerks whom Mr. Fox's commissioners could send out, to throw Bengal into confusion in the term that was assigned for the duration of his bill. The discussion ended in fixing the second reading of the bill for the fifteenth of December.

In this interval, the alarm which the public had conceived at the boldness of the measure increased, and other corporate bodies, thinking their own charters equally subject to attack with that of the East India Company, had presented petitions against the bill, which they regarded as a flagrant violation of private property. The alarm had even spread to the throne itself; and the royal disapprobation had been declared to lord Temple, who, availing himself of the privilege of an hereditary counsellor to the crown, had freely delivered his own sentiments on the subject to his sovereign. It could not be supposed that a transaction of this nature could remain a secret; or that any means could be adopted to prevent the effect which a knowledge of it would naturally produce. The objections to the bill, however, were, of themselves, sufficiently powerful to account for the opposition which it afterwards

experienced, without having recourse to the exercise of extraordinary influence.—Be that as it may, several of the peers, who had given their proxies to the ministers, hastened to withdraw them; and when it was moved to read the bill a second time, a motion of adjournment was made by its opponents, who carried it by a majority of eight,—eighty-seven having voted for the motion, and seventy-nine against it.

Thus was an end put to that bill, which had raised the hopes and expectations of its friends to the highest pitch; and which had filled its opponents with the most serious apprehensions and alarms. Viewed with an impartial eye, it must be admitted to have been no *half measure;* its object was clear, and its means were efficacious. On the other hand, it cannot be denied that it tended to vest in the minister of the day a degree of power, unprecedented in extent, and most dangerous in its consequences; a power, indeed, that would have rendered him, in a great degree, independent of the crown, and have secured his continuance in office in spite of his sovereign. The objections to it, then, on constitutional grounds, were strong; while its violent invasion of chartered rights, without the existence of that paramount necessity by which alone it could be justified, afforded

good and solid reasons for the opposition which it experienced from the public.

The arguments adduced in support of the measure, though insufficient to sanction the inferences drawn from them, were sufficient to prove the existence of considerable abuses, and to substantiate the necessity for a speedy and effectual reform. Those which were founded on the unfitness of a mercantile body to govern our Asiatic dominions, were peculiarly powerful and impressive. Indeed, the existence of such an authority is a perfect anomaly in government; and after ages will scarcely credit the fact, that a set of traders in London, subjects of a British monarch, should have exercised the rights of sovereignty over many millions of people in Hindûstan. It seemed most natural, indeed, to separate the trade from the territory, and to limit the power of the company to the possession of a commercial monopoly. These considerations, however, important as they were, appear to have had little weight, with either side, in the discussion of this question.

Ministers had taken the alarm; and on the very day on which they were left in a minority, in the upper House, one of their friends, in the lower House, Mr. Baker, moved, "That it is *now* necessary to declare, that to report any

opinion, or pretended opinion, of his Majesty, upon any bill, or other proceeding depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanor, derogatory to the honour of the crown, a breach of the fundamental privileges of parliament, and subversive of the constitution."—In support of this extraordinary proceeding, it was contended, that the notoriety of the fact, and the *consequences* which it had already produced, called on the House, *which was the natural guardian of the constitution*, for its immediate interference.—But it is not very easy to perceive with what propriety or justice the House of Commons could be called the natural guardian of the constitution, any more than the House of Lords, or the King himself. It might certainly have been asked, who was the guardian of the constitution, during a dissolution, or even during a prorogation, of Parliament? or whether, at such a period, the constitution was left without a guardian?—But, in the contentions of party, expressions are frequently used to which the persons employing them affix no definite meaning; and, during such struggles, the most intelligent men are sometimes betrayed into the greatest absurdities. The alleged criminality of the fact, which occasioned the

motion, was stated to consist, first, in giving secret advice to the crown; which it is the duty of every peer to give, whenever required so to do by his sovereign; or whenever he conceives that his advice may be of service to the state: and, secondly, in using the King's name, for the purpose of influencing the votes of members of parliament, in a matter depending before them. The law declared, that *the King could do no wrong*, and, therefore, had wisely made his ministers amenable for all the measures of his government. This was said to be the very essence of the constitution, which could no longer subsist, if persons unknown, and upon whom, consequently, no responsibility could attach, were allowed to give secret advice to the crown.—So far is this from being the essence of the constitution, that the doctrine is perfectly unconstitutional. For peers are declared, by the law, to be *the hereditary counsellors of the crown*; and, by the most ancient of our constitutional lawyers, one purpose of their creation is expressly stated to be, for giving advice to their sovereign, even when no parliament is sitting.* And there is even an instance recorded in history, of two

* Coke upon Littleton, 110. Bracton, l. 1. c. viii. 7 Rep. 34. 9 Rep. 49. 12 Rep. 96.

favourites of the king having been impeached and banished, for preventing the peers of the realm, "the king's good counsellors," from coming into his presence to offer him their advice. As to the second part of the charge, it was proved, from the journals, that to make any reference to the opinion of the King, on a bill depending in either House, had always been judged a high breach of the privileges of parliament; and the House of Commons assuming to itself the exclusive power of deciding what constitutes a breach of its own privileges, all argument on that point is precluded; but because the House had judged such conduct to amount to a breach of privilege, its adjudication was by no means sufficient to render it *a high crime and misdemeanor*, which it was the object of the motion to do. A *crime* or *misdemeanor* is an act committed in violation of a public law. A law must be the act of the *whole* legislature. No one *portion* of the legislature is competent to make a law; and, unquestionably, there was no public law which forbade a reference to the opinion of the King, upon any measure pending before his parliament; and, therefore, such a reference could not be a high crime and misdemeanor: it was not upon this ground, however, that the motion was resisted.

Mr. Pitt, indeed, declared it to be the unalienable right of peers, individually or collectively, to advise his Majesty, whenever they thought the situation of public affairs made such a step an essential part of their duty; but his arguments were chiefly directed to prove the insufficiency of public report to justify any proceeding on the part of the House.—And, considering the question in this point of view, he truly represented it to be the most unnecessary, the most frivolous, and the most ill-timed that ever insulted the attention of the national senate. What, he asked, was its foundation and object? Did it contain any specific charge? No. Was it directed to any decisive issue? No. What then was the House to make of such a proposition? Could they adopt a measure which came in a shape thus questionable, without maturely weighing the consequences? The mighty grievance complained of was not a misdemeanor substantiated to the satisfaction of the House by any sort of evidence whatever, but on the vague surmises, or lie of the day. The monster, public report, which was daily and hourly fabricating every species of the grossest absurdities and improbabilities, was thus made to intrude on the national business, and arrest the attention of the House of Commons, to follow her through all her shapes and

extravagances. Could any thing be more perfectly ridiculous, or a greater sarcasm on that serious and dispassionate dignity of mind, which ought to attend, and to mark, all their parliamentary proceedings? In answer to the question, how ministers were to act when so circumstanced? they were told, that the servants of the crown were worse than useless, whenever they were without responsibility.—For a situation thus dangerous and unconstitutional they were, indeed, strictly answerable. Their duty, under circumstances thus dishonourable and inefficient, was therefore obvious and indispensable. The moment they could not answer for their own measures, they ought to retire: they were no longer fit to occupy stations which they did not adequately fill.

Reason had very little effect in the decision of a question which had originated solely in a spirit of party, and which had for its only object to compel the sovereign to retain the ministers whom he was inclined to dismiss. The motion, unconstitutional as it was, was carried by a majority of seventy-three: and the ministers, resolved to avail themselves of the power which they still possessed, moved a resolution, which was of course adopted, that on the Monday following

the House should form itself into a committee, to take into consideration the present state of the nation. Not satisfied with these transactions, they proceeded, with the most indecent precipitation, and with the most violent spirit, to resolutions still more decisive in their language, and more unconstitutional in their nature. On the motion of Mr. Erskine, they resolved, that it was necessary, for the most essential interests of the kingdom, and peculiarly incumbent on the House, to pursue, with unremitting attention, the consideration of a suitable remedy for the abuses which had prevailed in the government of the British dominions in the East Indies; and that the House would consider, as an enemy to his country, *any person who should presume to advise his Majesty to prevent, or in any manner interrupt, the discharge of this important duty.*

The avowed object of this motion was a direct interference with the prerogative of the crown; since it was intended to prevent the King from dissolving his parliament. If the House of Commons have a right, by any measures which they can adopt, to destroy the free agency of the Crown—in other words, to intimidate the King, so as to deter him from exercising his prerogative in such a way as his Majesty shall conscientiously believe to be con-

ducive to the welfare of his kingdom, the authority of the Crown becomes nugatory, and utterly incapable of answering the salutary purposes which are expected from it; the balance between the different constitutional powers is destroyed, and the pre-eminent excellence of the constitution annihilated. But, if the right of interference with *any* part of the royal prerogative were really vested in the House of Commons, the power of dissolving parliament must either be exempt from their controul, or they would themselves be judges in their own cause, deciding how long they ought, or rather they *chuse*, to sit; and, by the assumption of a little more authority, which would require no great effort, for usurped power has a natural tendency to increase, would soon declare themselves a permanent body.

The motion was, most truly, declared, by some members, to be factious, as trenching on the undoubted prerogative of the crown, without any justifiable cause. And one of them observed, that its real meaning and intent were, to declare, that no dissolution of parliament should take place at that time, in order that the existing administration might remain in office. But no truths, however striking, or however forcible, were likely to produce the smallest effect on a minister, who knew and felt his power,

and who had resolved, by whatever means, to keep possession of it, until it should be wrested from him by superior authority; much less was it likely to produce it on a House, who had already carried their support of that minister to such enormous, such unconstitutional lengths. The same men who had voted for the former motion, voted for the present, which was, of course, carried by the same majority.

It was not to be supposed that the King could remain a silent spectator of such flagrant attempts to invade his power, and to dispute his rights; or that he could any longer repose confidence in servants who had sought to render themselves, as it were, independent of their master.—Their dismission, therefore, was speedily resolved upon; and the mode of signifying their disgrace to them was, no doubt, selected with a view to add to the mortification which they must feel on the loss of their stations. The nobleman whose advice had, so seasonably, and so effectually, been given to his Sovereign, was consulted; and a messenger was employed to deliver, on the following night, to the two secretaries of state, his Majesty's orders, that they should deliver up the seals of their offices, and send them by the under-secretaries, as *a personal*

interview on the occasion would be disagreeable to him. The violent conduct pursued by those ministers in the House of Commons deserved some strong mark of the royal displeasure. The seals were immediately given to lord Temple, who, the next evening, sent letters of dismission to the other members of the cabinet. His lordship having thus completed the purpose for which they were delivered to him, resigned them; and a new administration was appointed, consisting of the following characters:—Mr. Pitt, first lord of the treasury, and chancellor of the exchequer; marquis of Carmarthen, secretary of state for the foreign department; lord Sidney, secretary of state for the home department; earl Gower, president of the council; duke of Rutland, lord privy seal; earl Howe, first lord of the admiralty; lord Thurlow, lord chancellor; duke of Richmond, master-general of the ordnance; Mr. Kenyon, attorney-general; Mr. Pepper Arden, solicitor-general; Mr. William Wyndham Grenville, and lord Mulgrave, joint paymasters of the forces; Mr. Henry Dundas, treasurer of the navy; sir George Yonge, secretary at war; and Mr. Rose, and Mr. Steele, secretaries of the treasury. By this change, Mr. Pitt became prime minister of the country, before he had completed his twenty-fifth year.

CHAP. III.

Proceedings of Parliament—A majority of the House of Commons oppose the minister—Land Tax bill postponed—Committee on the State of the Nation—Address to the King not to dissolve the Parliament—Reflections on the unconstitutional Conduct of the Commons, as displayed in their interference with the King's prerogative of choosing his own servants—Powers of the House of Commons, in respect to the Ministers, defined—Motions respecting the acceptance of bills from India, and the appointment of Chancellor of the Duchy of Lancaster for life—House adjourned for the recess—State of Parties—Mr. Pitt defends his own Conduct—Right of dissolving Parliament during a session denied, on the authority of Lord Somers—Such doctrine subversive of the Constitution—Mr. Pitt avows his principles, and refuses to barter away the Royal Prerogative—Resolutions of the House proved to have an illegal and unconstitutional tendency—An Administration supported by a majority of the House, maintained to be indispensably necessary—Resolutions to that effect—Debates thereon—Conduct of Earl Temple arraigned—Mr. Pitt's India bill—Opposed by Mr. Fox—Rejected by a majority of eight—Farther efforts to dis-

place the Ministers—Their continuance in office RESOLVED to be unconstitutional —Attempts, by the Country Gentlemen, to produce a Coalition of Parties—Mr. Pitt explains the motives and principles of his conduct—Refuses to resign as a preliminary step to the proposed coalition—his resignation insisted on as an indispensable preliminary by the Whig Leaders—He defends the Prerogative, and explains the legal powers of the House—Dares Mr. Fox to prefer Criminal Charges against him—Reflections on the conduct of the Country Gentlemen on this occasion—Their efforts to accomplish their object—Mr. Fox asserts the right of the House of Commons to a real and substantial negative in the nomination of ministers—Absurdity and danger of such a principle exposed—Mr. Pitt dares the opposition to refuse the supplies—Supplies postponed by a majority of twelve—Proceedings in the House of Lords—Assert the true principles of the constitution in contradiction to the Commons—Resolutions for that purpose—The Commons defend themselves from these imputations—Compromise between the Country Gentlemen of the Whig Party, in consequence of which the Supplies are suffered to pass—Resolutions, by Mr. Powis and Mr. Eden, for an address to the Throne—Debate thereon—Mr. Fox maintains that the voice of the people is only to be found in the House of Commons —Address carried—His Majesty's answer—Considered by the House—Another address moved by Mr. Fox—Opposed by Mr. Pitt—Carried by a majority of Twelve—The King's answer—Remonstrance of the Commons, who assert their right to call for the removal of Ministers without preferring any charge whatever against them—Observations on this remonstrance — Remonstrance carried by a majority of *One*—Mutiny bill passed—Parliament first prorogued, and then dissolved.

Mr. Pitt, by accepting the important office of prime minister, at this arduous crisis of public affairs, placed himself in a situation which required an union of talents, firmness, and integrity, which it falls to the lot but of few statesmen to possess. He had a strong majority in the House of Commons against him, with but little chance of turning it in his favour; the opposite party, too, was headed by men of the most splendid abilities, of extensive knowledge, and of great experience in the art of political warfare. It was the middle of a session; the mutiny act was not yet passed; the supplies were not yet granted, and they would not admit of much delay; besides, it would be in the power of the opposition to withhold them, should they be bold enough to proceed to such extremities (and, from their recent conduct, there was no reason to expect from them any great moderation or forbearance) and so put a total stop to public business. On the other hand, indeed, he had to contemplate a respectable majority in the House of Lords; the full confidence of his Sovereign, and the favour of the public. The decisive manner in which he had stood forth the champion of private property, and of chartered rights, had rendered all the great companies, as well as the monied interest, his firm friends. The candour with

which he had avowed, and the manly eloquence with which he had defended his principles, asserted the purity of his views, and vindicated the independence of his mind, had gained him great credit with the country, and had considerably augmented the number of his partisans. Thus circumstanced, not a doubt could be entertained of the success of an immediate appeal to the people, through the medium of a dissolution of parliament; but in the present stage of the public business, nothing but absolute necessity could justify the adoption of such a measure. Encouraged, therefore, by the general support of which he was assured, fortified by the consciousness of innate integrity, and resolved to make the good of his country the rule of his public conduct, and the ground and object of all his measures, he determined to meet that House which had recorded its resolution to oppose him, and to throw every obstacle in his way; and to try whether a sense of duty would ultimately rise superior to the spirit of party.

The land-tax bill had been read twice in the House of Commons, and the day fixed for its third reading was the twentieth of December. But as the opposition were aware, that when that bill was once passed, there would be no farther obstacle to a dissolution of parlia-

ment, which might not easily be surmounted, they resolved to avail themselves of their majority, in order to postpone it; and the third reading of the bill was, accordingly, after a short debate, deferred to the twenty-second, the day previously fixed for the *Committee on the State of the Nation.* In that committee, Mr. Erskine moved an address to his Majesty, influenced by the same motives, and having the same object as his former motion, which was so justly stigmatized as factious. This address stated the *alarming* reports of an intended dissolution of parliament; represented to his Majesty the inconveniences and dangers that would attend such a measure, at a moment when the maintenance of the public credit, the support of the revenue, and, more especially, the distressed state of the finances of the East India Company, and the disorders prevailing in their government, both at home and abroad, demanded the most immediate attention: and besought his Majesty to suffer them to proceed on the important business recommended to them in his speech from the throne, and to hearken to the voice of his faithful Commons, and not to the secret advices of persons who might have private interests of their own, separate from the true interest of his Majesty and his people. It must have immediately occurred, to the weakest of advocates, that no advice which could be

given to his Majesty, whether secret or public, could have private interest for its object, more than that which was contained in this address, which declared, in language so plain as to be insulting, that it was the duty of the Sovereign to dismiss his new ministers from his councils, and to recall the old, who had a majority of the House in their favour. Notwithstanding an authorized assurance, from Mr. Bankes, that if a dissolution should be proposed in the cabinet, Mr. Pitt would resist it; and, should his resistance prove ineffectual, would resign his office; the majority persisted in their resolution to carry their murmurs of discontent to the foot of the throne. No division took place, and the address was ordered to be presented by the whole House.

In his answer to this address, the King recalled to the recollection of the Commons a fact, of which they never ought to have lost sight, that it had been his constant object to employ the authority given him by the constitution to its true and only end—the good of his people;—he declared his happiness in concurring with the wishes and opinions of his faithful Commons; he agreed with them in thinking, that the support of the public credit and revenue demanded their most earnest and vigilant care; and that the state of the East Indies was also an

object of as much delicacy and importance as could exercise the wisdom and justice of parliament; he expressed his hope that they would proceed in those considerations, with all convenient speed, after such an adjournment as the present circumstances might seem to require; and he concluded with an assurance, that he should not interrupt their meeting by any exercise of his prerogative, either by prorogation or dissolution.

This answer, however, was not sufficiently explicit to allay the fears, and to calm the apprehensions, of the discarded ministry, who contended, that it conveyed nothing more than a promise, that the House should be allowed to meet again. Such a promise was by no means calculated to satisfy men, the evident, and almost undisguised, object of whose efforts was to force themselves again into power, through the means of that majority which they then enjoyed, and which they had no hopes of obtaining in a new parliament. Influenced by these motives, they called upon the House to continue their exertions to save the constitution from, what they were pleased to call, the dangerous example of seeing established, a ministry formed in defiance of the House of Commons, on the ground of private favour, opposed to public confidence, by the use of closet in-

trigue, (alluding to earl Temple's interview with the King in his closet,) and of secret influence, and not upon the voice of the country, or upon the sense of Parliament. This was, certainly, the language of faction, for the House of Commons had nothing to do with the establishment of a ministry, the choice of which is vested, by the constitution, exclusively in the King. If the House should ever assume and exercise a right to controul the King in this choice, so as to render it impossible for his Majesty to chuse any ministers that were not sanctioned by the majority of that House, and such an usurpation should be acquiesced in by the House of Lords, and by the King, the constitution would be at an end; for the prerogative of the crown would be transferred to the House of Commons, who would, in fact, have the choice of ministers; since there could be no substantial difference between chusing ministers themselves, and dictating to the King whom he should appoint. It is impossible to consider the conduct of the majority of the House of Commons, at this critical period, without inferring the most unconstitutional, and most unwarrantable motives. Had they succeeded in their efforts to prevent the King, in the first instance, from dissolving his Parliament, and to compel him, in the second, to dismiss the ministers of his

choice, and to restore to their offices the men who had lost his confidence, (and the one was a necessary consequence of the other) they would, virtually, have dethroned him;—he might, indeed, have retained his titles, and even have remained in possession of his throne, the nominal head of the church and the state, but, stripped of the most essential prerogatives of the crown, he would, from that instant, have ceased to be the CONSTITUTIONAL MONARCH OF ENGLAND. The only powers assigned, by the constitution, to the House of Commons, in respect of ministers, are, that of instituting enquiries into their conduct, and of bringing them to trial and punishment, for offences committed and *proved;* and that of stopping them in their career of guilt, where their crimes are flagrant, and productive of serious injury to the state. This last power they are enabled to exercise, by addressing their Sovereign, in the first instance, to remove his servants, and, should that attempt prove ineffectual, by ultimately withholding the necessary supplies. But it should be clearly understood, that these powers cannot be legally exercised, without due cause. They cannot be called into action, upon the suggestion of party-spirit, or of private interest. The House may prefer one set of ministers to another, but this is no reason for

addressing the Sovereign. The King may chuse ministers who are displeasing to the majority of the House; but the House are bound, in duty, to respect the King's choice; and not to object to ministers, merely because they are not the men whom they would wish to see ministers; nor to throw any obstacles in the way of government, unless the *measures* of those ministers are hostile to the real interests of the state, and, consequently, such as to justify the adoption of the necessary means for removing them from their situations Any other cause of authority, or ground of interference, is perfectly illegal, and at variance with the fundamental principles of the constitution, which has allotted to every part of the government, and of its adjuncts, their appropriate functions, duties, privileges, and rights, the due observance of which is essential to its preservation.

Regardless of every constitutional principle, though hypocritically professing (for men of such abilities and knowledge could not be suspected of erring from *ignorance)* to be actuated by a desire to preserve the constitution, the opposition proceeded to the adoption of further measures for the accomplishment of their grand object. They resolved it to be the opinion of the House, that the lords of the treasury ought not to consent, that the direc-

tors of the East India company should accept any more bills, unless they should be able to prove, *to parliament*, that they had sufficient means to provide for the payment of them, after they should have paid their dividend, and discharged the debt due to government.

In order to promote a right understanding of this motion, it may be necessary to observe, that the lords of the treasury were empowered, by an *act of parliament*, to permit, at discretion, the directors of the company to accept bills from India.—It was, therefore, the object of the motion, to controul, by a resolution of the House, the powers granted by law;—and, in short, to suspend an act of the legislature.—That they had no right to exercise such a controul, that the motion was highly unconstitutional, and that any resolution founded on it must be perfectly illegal, and, consequently, nugatory, are such self-evident propositions that any attempt to *prove* them, by argument, would be absurd. Prepared, however, for every act of violence, the House adopted this resolution, and also another, proposed by the earl of Surry (the present duke of Norfolk) for presenting an address to the King, to desire that his Majesty would not grant the office of the duchy of Lancaster to any person, otherwise than during pleasure, before the 20th of January following. The

pretext for the last motion was, that an enquiry had been instituted into the establishments of the duchy, for the purpose of determining, whether the same might not be reduced, or entirely abolished; but the *real object* of it was to throw an additional impediment in the way of the new ministerial arrangements. After these motions had been adopted, the House adjourned to the 12th day of January.

[1784.] The recess was employed, as might naturally be supposed, by either party, in efforts to increase the number of their supporters, and to conciliate the favour of the public. The partisans of the opposition loudly declaimed against the ministers, who had been brought in, according to them, by the most unfair, and dishonourable means; lord Temple was reviled for having gone up *the back stairs* to give his unconstitut onal advice to the King;—and a line of distinction was drawn between the ministers and the opposition; the former being stigmatized as the friends of prerogative, and the latter being hailed as the guardians of the constitution.—These champions of party seemed to forget, that the prerogative of the crown formed as essential a part of the constitution, as the rights of the House of Commons;—and that the destruction of such prerogative would be a fatal blow to that security which it affords

to the liberty and property of the subject. "The powers which are vested in the crown, by the laws of England,"—says a high judicial character,—"are necessary for the support of society; and do not intrench any farther on our *natural* liberties, than is expedient for the maintenance of our *civil*."—The good sense of the public, however, prevailed over the clamour of party; the conduct of the opposition was rightly appreciated; and, before parliament met again, their numbers were materially diminished. This meeting took place on the 12th of January, when Mr. Fox moved the order of the day, the very instant the speaker had taken the chair, and for the declared purpose of preventing the ministers from bringing forward any other business, before certain resolutions, which had been prepared by the opposition, had been discussed in the Committee on the State of the Nation. Mr. Pitt, in vain, urged that he had a message to deliver from the King;—the party were not disposed to pay any mark of respect to the Sovereign who had recently dismissed them from his service, and, the speaker having sanctioned the claim of precedence asserted by Mr. Fox, the House proceeded to consider the question, whether it should resolve itself into the proposed committee?

Mr. Pitt accused Mr. Fox of having had

recourse to artifice, and management, for the purpose of gaining possession of the House. He was not at all surprised that those men who, before the recess, had been so clamorous and petulant, and who had gone such strange lengths, at a time when those persons who unquestionably ought to have been present, during the discussion of all important business, were, necessarily, absent, should now have proceeded in the same way, and taken advantage of his absence, to bring on a measure by which he, as the minister of the crown, should be prevented from delivering a message from his Majesty. He had no desire to prevent gentlemen from saying any thing which they might imagine would support that clamour which they had endeavoured, so insidiously, to raise, any thing which could encourage that petulance which they had shewn before the recess, that unjustifiable violence which they had displayed, and those unprecedented steps which they had adopted, for the purpose of inflaming the passions of the people, and of exciting jealousies for which there was no foundation. He was happy again to meet the House, that the ministers of the crown might fairly face the assertions and the insinuations which had been thrown out; for nothing in the shape of a charge had been brought forward; nothing had even been

attempted to be proved. They would now have it in their power to meet any inquiries, and any propositions which might be agitated or discussed in the Committee on the State of the Nation; and he assured the House, that he should not shrink from any question, charge, or insinuation, which his opponents might chuse to bring against him.

After having declared that he was as ready to meet, as others were to propose such a committee, Mr. Pitt suggested his reasons for thinking that it should be deferred for a short time. His Majesty had been pleased to command his services, at a time, when, however he might feel himself unqualified for the high situation to which he had been called, he could not think himself justified, in conscience, to decline. The circumstances of the country were critical and distressing. The East India bill, brought in by Mr. Fox; a bill so violent in its form, as to afford just ground of alarm to every reflecting mind, had been, by what powerful management it was not for him to say, hurried through that House. That bill established a species of influence unknown to the constitution of the country; and he was one of a most respectable minority, who thought that, if it had passed into a law, the independence of the House, the equilibrium between

the three estates of the realm, and the beautiful frame of our government, would have been destroyed. But even those who had, for these reasons, objected to the bill in question, thought, with every one else, that some bill was necessary, and he had pledged himself to propose one, less violent in its principles, and, in his opinion, more adequate to its purposes. The House had presented an address to the Throne, stating their anxiety on the subject of India, and intreating that nothing might occur to interrupt its discussion; would the House then prevent the introduction of a new bill, which was the only means of promoting such discussion, and of forwarding the object which they all professed to have in view? Whatever serious enquiry into the state of the nation might be meditated afterwards, he should think it his duty, most attentively and cheerfully, to accompany. In the mean time, he reminded the House, that it was the first day on which the new ministers had met them in Parliament. That ministry was chiefly called into office, by their Sovereign, on the ground of the India bill. Their first duty was to frame a system for the government of India. They had not opposed the former bill by cavilling; they had not objected to it from envy to its parents. They had opposed it, because they thought that its

objects might be accomplished in a safer way. This was the point on which they were at issue. They had now to prove, that they had not lightly disturbed the government of the country; that they had not set up a captious opposition; an opposition to *men* merely; but, that they had opposed a most violent *measure;* and, having overthrown it, they thought it their first duty to substitute a more moderate, and a more constitutional, scheme in its place.

The opposition strenuously supported their former conduct, their late resolutions, and those which they now meant to propose, as neither violent nor unparliamentary. They maintained that the dignity and essential rights of the House had sustained a direct attack; and, on the authority of lord Somers, they denied the right of the King to dissolve his Parliament, during a session, while public business and petitions were pending; waving, however, the question of right, they insisted that the exercise of such a power, under the actual circumstances of the country, would be highly dangerous and criminal; and that the committee were fully justified in taking such steps as they might think the most effectual for the prevention of such a calamity.

If lord Somers be correct in his assertion, that, under any circumstances, the House of

Commons have a right to suspend the exercise of the Royal Prerogative, when they are themselves the object of that exercise, then, indeed, is the prerogative of no effect, and the equilibrium between the different powers, created for the maintenance of the constitution, would be destroyed. But even against the authority of lord Somers, respectable as it is, (although, on this point, he spoke as a *partisan*, and not as a *lawyer*) and against a whole host of lawyers, if a host could be found to support so monstrous a proposition, it must be contended that no such power is vested in the House of Commons. The prerogative of the Crown is positive, not conditional. Its limits are determined by law, and if they were to be transgressed, the ministers who advised the transgression would be responsiblefor their conduct;—but, within those limits, no power on earth can controul its exercise. In short, to oppose one *whig*-lawyer to another, and a lawyer too, who cannot be accused of a wish to extend the prerogative of the crown beyond its legal bounds.—"*I lay it down, as a principle, that, in the exertion of his lawful prerogative, the King is, and ought to be, absolute.*"—That the power to dissolve his Parliament, whenever he thinks proper, without assigning any reason for its exercise, is a part of his lawful prerogative, cannot be contested;

any attempt therefore to controul him, in that respect, is an unconstitutional interference of the democratic part of our constitution, with the authority of the supreme power in the state.

The opposition, however, were not to be deterred, by any regard for the principles of the constitution, from the pursuit of such measures as they deemed conducive to the end which they were anxious to accomplish. They persevered in insisting, that the circumstances of the case required an open and unqualified declaration of sentiment, and exempted them from the necessity of observing any delicacy in their remonstrances to the crown. They deplored the loss of Mr. Fox's India bill, as a national calamity, produced by the most unconstitutional means; and they even ventured to assert, that the late ministers had been dismissed for no other apparent reason, than that they enjoyed the confidence of the House of Commons. The menace of a dissolution, they said, was held over them for the purpose of aweing them into an acquiescence with the measures of the new ministers; and, under such circumstances, the House must feel indignation, and, consequently, express it. They admitted the importance of an immediate attention to the affairs of India; but while the House were dependent for their

existence on the will of the minister, who had means to propose for regulating the government of that distracted country, their deliberations could not bear the characteristics of freedom. They acknowledged their object to be the prevention of a dissolution, and called upon the minister to give them some satisfactory assurance, that the event which they dreaded should not take place.

Mr. Pitt, in reply, again justified his opposition to Mr. Fox's bill, which created a new and enormous influence, by vesting, in certain nominees of the ministers, all the patronage of the east; and said, that if the House would allow him to move for leave to bring in his own bill, he would state all the outlines of his system, as shortly and precisely as he could. In repelling the imputations against him, he declared, that he came up no back stairs; that, when he was sent for by his Sovereign, to know whether he would accept of office, he, necessarily, went to the royal closet. That he knew of no secret influence; and that his own integrity would be his guardian against that danger; but he assured the House, that the moment he discovered any such influence, he would resign. He would neither have the meanness to act upon the advice of others, nor the hypocrisy to pretend, when the measures of an administration, in

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which he bore a part, were deserving of censure, that they were not measures which he advised. If any former ministers took such charges to themselves, to them be the sting. He little expected to be ever charged as the tool and abettor of secret influence. The novelty of the imputation only rendered it the more contemptible. He would never deign to give any other answer on such a subject; and he wished the House to bear in mind his declaration, that the integrity of his own heart, and the probity of all his public, as well as his private, principles, should ever be his sources of action. He would never condescend to be the instrument of any secret advisers, nor, in one instance, while he had the honour to act as minister of the crown in that House, would he be responsible for measures not his own, or, at least in which his heart and judgment did not cordially acquiesce. As to the pledge demanded of him, respecting the dissolution, it did not become him to comment on the words of a most gracious answer of the Sovereign, delivered from the Throne; neither would he presume to compromise the royal prerogative, or barter it away in the House of Commons. When he had authorised his friend to pledge himself that he would not advise a dissolution, such was his real sentiment at the time: more he would not say.

The order of the day was carried, on a division of 232 to 193, when the majority proceeded to the adoption of their preconcerted measures for preventing a dissolution of parliament. They passed a string of resolutions. First, that it was the opinion of the committee, that for any person, or persons, in his Majesty's treasury, or in the exchequer, or in the bank of England, employed in the payment of the public money, to pay, or direct, or cause to be paid, any sum or sums of money, for, or towards, the support of the services voted in that session of parliament, after the parliament should have been prorogued or dissolved, if it should be prorogued or dissolved, before any act of Parliament should have passed for appropriating the supplies to such services, would be a high crime and misdemeanor, a daring breach of the public trust, derogatory to the fundamental privileges of Parliament, and subversive of the constitution of the country. That it was also the opinion of the committee, that their chairman should be directed to move the House, that the bill for punishing mutiny and desertion, and for the better payment of the army, and their quarters, should be read a second time on the 23d of February.

In the first of these resolutions, the House of Commons assumed a power which they had not

the smallest right to exercise. Even in that non-descript class of offences, called breaches of privilege, offences against themselves, where they assume a right to act as parties, jury, and judge, and to inflict the punishment of imprisonment on the offender; a prorogation (and, *a fortiori*, a dissolution) puts an end to their power, and, *ipso facto*, liberates the prisoner. How then can a body so circumscribed in its powers of action, presume to restrain the lawful authority of the crown, and to extend its own, in a matter too so important, beyond the period of its existence? But this was not the only illegal part of the resolution; for the conversion of an act into a high crime and misdemeanor, which was not punishable by law, was the assumption of a power vested, by the constitution, in the whole legislative body alone: it was, in fact, a virtual declaration of the power of the House to make laws, without the concurrence of the House of Lords, and the fiat of the Sovereign. If there had been no other reason for dissolving Parliament, this alone would have sufficed, and the ministers would have been highly criminal who had not advised the King to dissolve it.

Having thus, as they thought, taken efficient means for preventing the dissolution of Parliament, the next care of the majority was, to compel a change of ministers; in other words,

to dismiss their opponents, and to force their Sovereign to recal themselves to power. For this purpose, the Earl of Surrey (who had, not long before, abjured the religion of his ancestors, and espoused the protestant faith) moved two more resolutions. First, that, in the actual situation of his Majesty's dominions, it was peculiarly necessary that there should be an administration which had the confidence of that House and the public. It would appear, to a common observer, that the opposition, buoyed up by their triumphant majority, had persuaded themselves that the supreme power was vested in the House of Commons, and that the Lords and the Crown were mere *expletives* in the state. It is scarcely credible that they should not think it necessary that the King's servants should have the confidence of their master, or the ministers of the Crown the confidence of the House of Lords. In order to place this extraordinary fact in a proper point of view, Mr. Dundas moved, as an amendment, that, instead of the words "*This House and the public*," should be substituted "*The Crown, the Parliament, and the People*." The amendment, however, was negatived without a division.

The second resolution moved by Lord Surrey, was, that the late changes in his Majesty's councils had been preceded by dangerous and univer-

sal reports, that the sacred name of the King had been unconstitutionally used, to affect the deliberations of Parliament; and, that the appointments made were accompanied by circumstances new and extraordinary, and such as did not conciliate or engage the confidence of the House.

The alleged ground of this resolution, was the report already noticed, of the interference of the Earl Temple, in communicating the sentiments of his Sovereign, respecting Mr. Fox's India bill. It occasioned a very warm debate, productive of much asperity and personal attack. On the one hand, the coalition was characterised as a corrupt confederacy of two desperate factions, to seize the government of the country; and the India bill was represented as an experiment made by Mr. Fox, with a view, if not to place the crown upon his own head, at least, to raise himself to a degree of power, superior to that of the Sovereign. On the other hand, the new ministers were branded as a body composed of the dregs and outcasts of parties, employed to fight the battles of secret and unconstitutional influence, to trample upon the power and dignity of the House o Commons, to establish a government of intrigue and favoritism, and to destroy the very principles of laudable ambition, and honourable ser-

vice in the state. The resolution, after a discussion which lasted till seven in the morning, was carried by a large majority.

But these violent proceedings had not the effect of intimidating the minister, or of detering him from the discharge of his duty. On the fourteenth of January, he moved for leave to bring in his bill for the better regulation of the government of India; and he prefaced his motion by an enlarged and luminous exposition of the principles, object, and provisions, of the bill; which he stated to be founded on the resolutions of the proprietors of India stock, which had appeared in the public papers, and to be formed with their perfect concurrence. He had not dared to digest a bill, without consultation, which was to violate chartered rights, sanctioned by parliamentary acts; he had not ventured to conceive, that any plan, which should erect, in this country, a system unknown to the constitution, would be ever embraced by any House of Commons, or that a scheme of new and uncontrollable influence, in the hands of new and unconstitutional characters, would be suffered to have an establishment; since such a scheme must give a death-blow to our frame of government. Objections had been started by Mr. Fox, before he had heard his plan, and adopted, by his followers, with the same preci-

pitation, and with the same decency: he had alleged, that his plan was calculated to give more influence to the Crown, than the bill which had been rejected, while it was not fraught with the same salutary consequences. Such were the imputations which had been brought against it before it was known; and the House were then to enquire into the truth of the assertion. He challenged the test of comparison, and he trusted to the candour of the House, even circumstanced as it then was, to their fairness and impartiality, that, if they found the provisions of his bill as effectual, with less violence,—affording as vigorous a system of control, with less possibility of improper influence,—securing the possessions of the east to the public, without confiscating the property of the Company,—and beneficially changing the nature of that defective government, without entrenching on the chartered rights of men, they would give him a manly, liberal, and successful support, without inquiring what party of men, or what side of the House, was to be maintained on the occasion. He trusted they would not approve his plan the less for being without violence, for being destitute of the rapacity, the grasping principle, the enormous influence, the inordinate ambition, the unconstitutional tendencies, of the rejected bill.

He then proceeded to unfold the general objects to be considered in the formation of a system of government for India; the complicated concerns of Great Britain with our Asiatic settlements; the civil and military government; the commerce; the vast territorial possessions, long acquired, but imperfectly settled; claims to be ascertained; interests to be divided; the happiness of the natives; the connection between the commerce and the territorial government; and, last of all, the effects of the government of India on the government of Great Britain. These were the chief points for consideration; and the House must admit, that they were most important.

He laid it down as a principle, that the imperial dominion of our territories in the east, should be placed under other control than that of the company of merchants in Leadenhall-street; but the change ought to be effected with as little violence as possible; it ought to be made, by the conviction of its propriety by the Company, and not by the compulsion of the Legislature. In this the proprietors agreed with him. It was first necessary, then, to establish an efficient control, and to place it in no hands but those of the genuine and legitimate executive power of the constitution. His next principle was, to leave the commerce, as much as

possible, to the superintendence of the Company; for commerce ought always to be left to the merchant, unshackled, unembarrassed by interferences, which might impede its current, and diminish its security. But, as the commerce of India was involved with revenue, it would be necessary to make a provision, in order to prevent the politics of that country from being affected by commercial regulations.

He had also studied how to prevent the constitution of this country from being affected by the government of India. It was here necessary to observe the strictest delicacy in fixing the nature, quality, and extent of the powers to be entrusted to the different governments in our Asiatic dominions. The servants in India must obey the controlling power at home; but still, from the distance of that controlling power, care must be taken to arm them with such discretionary authority as should leave energy and vigour for all the purposes of good and substantial government, sufficient to secure the happiness of the natives, as well as to protect the commerce and the possessions of the Company; but, at the same time, so limited as to restrain inordinate ambition, to crush oppressive rapacity, to extinguish the jobbing of adventure, and to establish true and equitable dominion. He was fully aware that it was more easy to

exhibit principles than to adopt provisions; but the exhibition of the former was necessary to supply the House with a criterion for judging of the latter. Mr. Pitt next explained his notions of the nature and degree of the control which should be exercised over the Company, and of the quarter in which it should be vested. The degree of control should amount to the government of the civil and military concerns, and of the revenue, and this was not a new species of control; for a control over the Company had aleady been established in the hands of government. But the former interference of ministers had not been beneficial, because it had not been active nor vigilant. He asked whether it was on that account that Mr. Fox, in his bill, had placed it in new hands? Was it on that account, that he had vested the control in the hands of a set of men, whose character was a monster and a novelty in the constitution? What security had Parliament that this new and unheard of board would have been more active and vigilant than a constitutional and executive board? Surely none but the character, the integrity, the intelligence, and the alacrity of the individuals who composed it. If men could be found, by the executive government of the country, equally endowed, he asked if the security, to the public, was not

the same? The persons who had the control, should be persons capable of giving time and attention to the objects of the trust; and they should have leisure for activity and exertion, that it might no longer be subject to the imputation of a sleepy and ineffectual control, but deserve the character of an active and efficacious one. For this purpose, however, the creation of new officers would, probably, be necessary, as the two secretaries of state had already as much official business as they could well transact. Other assistance, then, should be joined to the minister, in order to expedite the affairs, that no delay or neglect might be experienced, at the same time that the control of the crown was signified through a minister.

He therefore proposed, that a board should be instituted, to be appointed by his majesty, consisting of one of the principal secretaries of state, the chancellor of the exchequer, for the time being, and a certain number of the privy council, not to attend precariously, as other privy counsellors, but to give regular attendance at the board, and to devote their time and study to its objects. A board thus constituted, would have the quality of activity and vigour. It would be derived, constitutionally, from the executive power; it would create no new office of emolument; it would load the subject with

no fresh burden; it would be as efficacious as the proposed board of seven commissioners; only with this difference, that they would not be uncontrolled or uncontrollable; that they would not possess the whole of the patronage of the east, to the great danger of British liberty. The dispatches of the Company must be submitted to this board, and be made subject to the control of its members, who were to give their opinion in a reasonable and competent time, and to countersign the dispatches, by which a complete responsibility would be vested in them. This was no ambiguous system—it was clear, public, and administrative.

Mr. Pitt next proposed, that all the commercial dispatches of the Company should be submitted to the board, whose control should be signified in a reasonable and competent time. But the court of directors, if they agreed not with the opinion of the board, on the decision of the question, whether it had a political, or merely a commercial, tendency, might appeal to the King, in his council, whose decision should be final. Great ridicule was cast on this proposed appeal from the King's privy council to the King in council; but Mr. Pitt defended it, on the ground of its publicity; and declared the sincerity of his belief in its efficacy, as it was liable to form the subject of discussion in Par-

liament. This board was to be divested of patronage; it was to be a board of *political control*, and not a board of *political influence*. Mr. Pitt contrasted the constitution of this board with that of the board proposed by Mr. Fox. That was to seize on the rights, patronage, commerce, and property, of the Company. This left to the Company the uncontrolled possession of their commerce, their treasury, their patronage, their contracts, and the appointment of their writers and cadets; by which, in the course of things, all the officers and servants in India were in their immediate appointment. It was, however, contended by the opposition, that this was a fallacy; as the whole military patronage would almost, necessarily, follow the appointment of the commander in chief.

The principle upon which the minister proposed to found the government of India, was that of large discretion, accompanied with the restraint of responsibility, and subject to the orders of the board of control. On this subject, and on the formation of the councils in India, he entered into long and explanatory comments; and then proposed a means for the correction of past, and the prevention of future, abuses; by a revision of all the establishments in India, to see where retrenchments might be made with safety; to see what were necessary,

what were useful, and what, on account of their inutility, inconvenience, corruption, or abuse, ought to be extinguished. He also proposed, that all appointments in India should take place by gradation and succession,—a sure means of preventing the exercise of undue influence, and of clipping the wings of patronage. His last proposition was, that a new tribunal should be created, for the trial of offences committed in India; to consist of a number of eminent barristers, civilians, peers, and members of the House of Commons; who were to be entrusted with very extensive powers, and to take cognizance of a very large description of offences.

Mr. Pitt delivered this plan as the result of the deliberate conviction of his own mind, and made up on the most serious consideration of the most intelligent men. He called upon the House to accept his ideas, if worthy their notice; to strengthen them with their wisdom; to mature them with their experience; or, in their room, to establish a more adequate system.

Very little debate took place on the motion for leave to bring in a bill founded on these principles; though Mr. Fox, and others, strongly objected to leave in possession of dominion, a set of men, who, it was admitted, had been guilty of the most criminal abuses, merely for the purpose of subjecting them to the control

of another. And the bill was represented, generally, as inadequate to the purposes which it proposed to achieve. It was read, a first time, on the sixteenth of January; and the second reading was fixed for the twenty-third. On that day, accordingly, it was read a second time, but a long debate ensued on the motion for its commitment, on which it was opposed, on the grounds of its want of vigour and effect; and of its want of permanency. Mr. Fox took the lead in opposition, and attacked the measure of his rival with his usual force, animation, and eloquence. Mr. Pitt defended the bill from the imputations cast upon it, and again contrasted it with that of Mr. Fox,—all the efficacy of which it possessed, without any portion of its defects. On a division, there appeared for the bill 214, and against it 222; so that it was lost by a majority of *eight*.

During these discussions, the opposition had not, for a moment, lost sight of the main object of all their efforts. In the committee on the state of the nation, on the sixteenth of January, the House came to a resolution, in which, after repeating the substance of their former resolutions, moved by the Earl of Surrey, they declared, that the continuance of the present ministers, in trusts of the highest importance and responsibility, was contrary to con-

stitutional principles, and injurious to the interests of his Majesty and his people. It was in vain that the House were reminded of the injustice of pressing censures on ministers, who had performed no act to deserve it, and against whom no offence was even alleged. In vain was the declaration stigmatised as a daring assumption of the prerogative of the crown, and a factious attempt, of a trifling majority, to nominate their own ministers: the question was carried by a majority of twenty-one. During this discussion Mr. Powis had expressed his wishes for a coalition of parties, but Mr. Fox declared that he would never act with Mr. Pitt, until he had resigned the situation which he had obtained by unconstitutional means; and which he seemed disposed to maintain, in defiance of the House. Meanwhile, numerous addresses had been presented to the king, expressive of the highest satisfaction at the dismission of the late ministry, and of the greatest confidence in their successors. The opposition, therefore, were fully apprised of the public opinion respecting their conduct and measures; but this knowledge only served to stimulate their exertions for the recovery of their power, through the medium of the House of Commons, and in defiance of the Crown; means, certainly, as unconstitutional, for the acquisition of place,

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as any with which they reproached the ministers. At every meeting of the House attempts were made, by different members, to throw the minister off his guard, to make him break through that cautious reserve, and studied silence, which he had felt it his duty to oppose to their questions; and to goad him into some declaration of sentiment, or intention, of which they might take advantage. Hitherto those attempts had proved fruitless; but, after the rejection of the India bill, on the twenty-third of January, some very harsh and improper expressions being made use of by General Conway, who charged the minister with standing against the voice of the representatives of the people, by means of bribery, and by other dark and intricate acts, which, if the imputations were false, he was bound, for the sake of his own honour, to explain and refute, Mr. Pitt called him to order; and dared him to specify any instance in which the ministers had been guilty of bribery. It was an assertion which he could not prove, and ought not, therefore, to make. He begged the General would suffer him to be the judge of his own honour. He had not long been accustomed to the violence of that House, or to its harsh language; but he had been long enough accustomed to it to assure the House, that neither unsupported slander, nor intemperate invec-

tive, should discompose his mind. He would not condescend to answer interrogatories, which he did not think individuals entitled to put to him. It was inconsistent with his dignity, to attend either to their rash slanders, or their modest questions.

It was supposed, by the constant silence of the minister, that a dissolution of parliament had been resolved on; but, on the twenty-sixth of January, the House passed a resolution, which induced Mr. Pitt to enter into an explanation of his conduct and intentions, and to remove those apprehensions of an immediate dissolution, which were avowedly entertained by the majority. It was resolved, on the motion of Mr. Eden, (now Lord Auckland) that it appeared to the House, that his Majesty's most gracious answer contained assurances, upon which the House could not but firmly rely—that his Majesty would not, by the prorogation, or dissolution of parliament, interrupt the House, in their consideration of proper measures for regulating the affairs of the East India Company, and for supporting the public credit and revenues of the country; objects which, in the opinion of his Majesty, of the House, and of the public, could not but be thought to demand the most immediate and unremitting attention of Parliament. He now declared, that, though

he felt himself perfectly justified in refusing to give any answer to questions put to him by individual members, the case was widely different, when a question was put to him by the House. He then said, that he was under no difficulty with respect to the consequences of the motion, as the answer he should give would be such as to set the minds of gentlemen at ease. It was allowed, on all hands, to be his Majesty's undoubted prerogative to dissolve or prorogue Parliaments; and, as a minister of the Crown, he never would advise his Majesty to pledge himself by any promise, generally, and without any expression of limitation or qualification, not to exercise that prerogative. The answer adverted to, in the resolution, did not bind the King to any thing more than barely not to prevent the meeting of Parliament after the recess. It was rather an indelicate and unusual way of proceeding, to put constructions, by way of resolutions, on the King's words, instead of pursuing the old Parliamentary mode of address.

He stated his principal objection to the resolution to be, that it bound the King down to that unlimited and unqualified promise, that, in no possible or imaginable situation of affairs, he would resort to his prerogative, and prorogue or dissolve his parliament; a promise which he, for one, would never advise his Majesty to make.

But he admitted, that the proceedings of the House had, materially, altered the state of things; and, therefore, though he condemned the resolution, he had no hesitation to declare, that he would not advise his Majesty to prevent the proceedings of the House, either by prorogation or dissolution.

Mr. Fox, satisfied with this declaration, changed his battery, and reproved Mr. Pitt, in terms of marked severity, for remaining in office, after he had lost that indispensable requisite to every ministry, the confidence of the people. He charged him with having stolen into office by intrigue, and private whispers, and by springing the mine of secret influence. He asked him, in a taunting tone of triumph, whether he thought to erect the banner of secret influence there, in opposition to public confidence? or, whether he could continue the unconstitutional minister of the Crown, against the voice of Parliament, and the spirit of the constitution?

The minister, in answer, observed, that he came into office to fulfil the duty which he owed to his Majesty, whose confidence he had not forfeited by any attempt to introduce any new power unknown to the constitution; and, though he always would pay the most profound respect to the decisions of that honourable

House, he did not know but he might incur the censure of Mr. Fox, by adding, that as the constitution vested in his Majesty the power of chusing his own ministers, it was not, properly, within the province of the House of Commons, to decide on the propriety of that choice; and he was sorry to find, that the determinations of the House had not, lately, been marked with all the attention which might have been expected to this constitutional doctrine. He complained of the severity of condemning the conduct of an administration, without any attempt to prove any one act of criminality. He considered himself much aggrieved: untried, unconnected, he lay under the censure of a resolution of that House; but he had, at least, the consolation to know, that in proportion as he and his colleagues were more tried, and better known, in the same proportion were they more approved, and more established, in the favour and confidence of the House, and of the people; with whom they, every day, rose in esteem and approbation. The charge of feeling himself superior to the House, was absurd; except, indeed, to think differently from a majority of the House, might bear that construction; and, if so, it was an imputation to which Mr. Fox himself had frequently been subject. He considered the resolutions of the House as by no means

binding on the principles of an individual; the very bulwark of our constitution was freedom of acting, and freedom of speaking; the control, then, of Parliament could not affect the free principles of acting, whereby liberty is to be prized.

Were he disposed to act as his opponents wished him to do, it would only be to make room for the introduction of a set of persons, who were lately dismissed, for a conduct which lost them the confidence of their sovereign, as well as that of the people. As to the formation of an union, that might give stability to government, and reconcile all parties, which was the object of a wish so warmly expressed, he could be no enemy to it, if it could be accomplished in a way to give solidity to the union. Mr. Fox had insisted, as a preliminary, on the entire resignation of office by the present ministers; but though *he* possessed an employment of eminence, it was not one of choice; and he trusted, whenever a favourable opportunity offered, he should prove himself not to be tenacious of power, or desirous to cling to office; but he acted from patriotic, not from private, considerations: his duty obliged him to preserve his situation till another arrangement should be formed, and not suffer the nation to remain in that state of anarchy which it had experienced on a former, and somewhat similar, occasion,

If his opponents wished to treat on fair and public principles, he called on them to lay aside the trifles of etiquette and ceremony, which could answer no solid purpose; and to proceed on terms of candour; on which, alone, an union might be formed on a firm and permanent foundation.

During this time, the persons to whom Mr. Pitt alluded in his speech, as anxious to promote an union of parties, and among whom were several independent members of the House, met at the St. Alban's tavern, and communicated their sentiments to the Duke of Portland, and to the premier; but the former adhering to the preliminary measure of a resignation by the ministers, the attempt failed to produce the desired effect. In order, however, to second the exertions of these gentlemen, the opposition contrived to keep the matter alive in the House of Commons, and to follow up their past resolutions with others of a more direct and pointed tendency. In a conversation in the House, on the twenty-ninth of January, after Mr. Fox had repeated his former invectives against ministers, for persevering to retain their situations, in opposition to the sense of the majority of the House, Mr. Pitt took occasion to observe, that the delicacy of his present situation required discretion; that he was determined to sustain it with as

much firmness and decency as he could; that his resolution so to do, was the result of deliberation; and that no invective or aspersion, which could be thrown out, should divert him from that line of conduct which he had already pursued. He did not believe there was a power vested in the House of Commons, for the control of the Prerogative. He rather thought, that each branch of the legislature was instituted for the purpose of serving the legal and constitutional exercise of the other branches. He hoped, therefore, that it would never be contended, that the Sovereign, in creating peers, or in chusing his ministers, must first ask leave of the House. He gave the most open and unqualified contradiction to the rash assertion of Mr. Fox, that there was then no government in the country. What, he asked, were ministers of no use, but to attend to their duty in Parliament? Was there no official business to transact, of a public and national description, without the walls of the House of Commons? And whether the measures and schemes, which depended on the assistance and concurrence of Parliament, were, or were not, suspended, he observed, other matters, however inferior they might be thought, certainly came under their inspection and control.

He reprobated the conduct of Mr. Fox, in

dealing forth insinuations, instead of bringing forward facts; and in indulging himself in scurrilous invectives, instead of preferring criminal charges; which, if he had any foundation for his assertions, or any belief in the truth of them, it was his duty to do. If he really thought ministers were guilty, he ought to move an address to the Throne for their removal. Mr. Pitt treated all such threats with indifference; declaring, with manly firmness, that nothing could be imputed to him, of which he had any reason to be ashamed. His heart, his principles, his hands, were pure; and while he enjoyed the conscious satisfaction of his own mind, no language of his opponent, no clamour, no artifice of party, no unfounded imputations, should affect him.

The attempt of the country gentlemen to form a coalition of parties, certainly originated in the most laudable desire to promote the good of the country; but still, Parliamentary associations, formed for the purpose of doing only that which the constitution has assigned to other hands, should always be viewed with great jealousy. The object of the meeting at the St. Albans' was, in fact, to frame a ministry, without any knowledge of the will of the Sovereign; or, at least, to force the Sovereign to receive such servants as the associated members, through the medium of the House of Commons, should

deign to give him. And this deviation from all ordinary modes of proceeding took place, at a time when the line of duty to be followed by independent members of Parliament, was perfectly clear, and open to no mistake. It was their province to judge the ministers by their *measures;* to support those measures if they were good, and to oppose them if they were objectionable. The King had exercised his undoubted prerogative, in the choice of his servants, and it was their duty to respect that choice, until they should find reason, from the misconduct of the men, to condemn them as ministers. But they, unfortunately, observed a different conduct, and deploring those dissentions, all the evil effects of which it was in their own power to avert, by giving a constitutional support to the ministers of the Crown, they encouraged them, and prolonged their existence by extra Parliamentary resolutions, which ought not to have the smallest weight, under such circumstances, but which they laboured to render effectual, by giving their votes to the opposition. The *tendency,* then, of their proceedings, at this political crisis, was pernicious, however praise-worthy their *intentions* might be.

On the second of February, one of the members of this association, Mr. Grosvenor, expatiated on the mischievous effects of such dissentions as then existed, and moved, that it

was the opinion of the House, that the present arduous and critical situation of public affairs required the exertion of a firm, efficient, extended, united, administration, *entitled to the confidence of the people;* and such as might have a tendency to put an end to the unfortunate divisions and distractions of the country. A former resolution had declared, that the ministers had not the confidence of the *House of Commons;* of which the House itself was, unquestionably, the most competent judge: and this, though professing greater moderation, went still farther, and asserted, though not in terms, by direct implication, that they enjoyed not the *confidence of the people;* which was, manifestly, untrue; as the voice of the nation, expressed in numerous addresses, and in all the vehicles of public information, most abundantly testified. But it was not to be expected, in the temper which the majority of that House had so frequently displayed, and when the country gentlemen threw their weight into the scale of opposition, that any motion of this kind, however objectionable in its nature, or in its tendency, would be rejected. It was, accordingly, adopted, after a very short discussion; and was immediately followed by another motion from Mr. Coke; which affirmed, that the continuance of the ministers in office was an obstacle to the forma-

tion of a firm, efficient, extended, and united administration. A debate ensued on this motion, in which the opposition contended, that the popularity which they were compelled to admit the new ministers enjoyed (thus falsifying the resolution which they had just passed, in a very material point) had been acquired by fraud and delusion. Mr. Powis, one of the members of the association before alluded to, declared his disapprobation of the votes of censure already inserted in the Journals of the House, which he wished to be expunged; but, if his wish could not be gratified, he should vote for the motion. The inconsistency of this declaration was, happily, exposed by Mr. Pitt, whose eloquence, however, was exerted in vain; for the motion was carried by a majority of nineteen, 223 having voted for it, and 204 against it.

In a subsequent debate, or rather conversation, on the eleventh of February, Mr. Fox did not scruple to assert, *that the House of Commons had*, and *ought to have*, a real and substantial negative in the nomination of ministers of state; but, as he did not say on what authority he founded this strange assertion, a simple contradiction was the only answer of which it was *then* deemed worthy, or which it can *now* be necessary to give it. The existence of such a

right, it is evident, would render the House of Commons superior to the Crown; and so destroy the well-cemented fabric of the constitution. Some farther efforts were made, by the association, to promote an union of parties, but with no effect; and, on the eighteenth of February, Mr. Pitt informed the House, that his Majesty had not thought proper to dismiss his ministers, and that his ministers had not resigned. This communication produced a very warm debate, in which the opposition represented the conduct of the Crown as a violation of those privileges which they called upon the House to support; reminding them, at the same time, that the power of granting or refusing the supplies was the constitutional shield of their authority; to which, if it should, at last, be found necessary, they were bound to have resort. It was, in consequence, proposed, that the supplies for the service of the ordnance, which were to be considered that day, should be postponed to the Friday following. It was, on the other hand, contended, in the first place, that a very unfair advantage had been taken of the communication made by Mr. Pitt to the House, which had been reasoned upon, as if it were a direct communication from the Throne, in answer to the resolutions of the House; whereas it was simply an explanation by the minister,

which he had deemed it fair and proper to make, previous to the expected debate, in order that the House might clearly understand, that the ministers stood precisely in the same situation in which they were, when these resolutions were passed. Mr. Pitt then adverted to the attempt which was made to give a colour and disguise to the extraordinary measure of putting off the supplies, as if it had been adopted only in consequence of some new and unforeseen event. But allowing, for the sake of argument, what could only be *so* allowed, the truth of this pretext, he denied its efficacy in concealing what the smallest portion of discernment was sufficient to penetrate. The supplies were, to all intents and purposes, *stopped*. Mr. Fox had affected to use a different word; but the public would see that the trick attempted to be put upon them, and upon the House, was too shallow to have effect. The right of the House of Commons to withhold the supplies, *whenever the circumstances of the case would justify such a measure*, no man would venture to doubt. But the true question, whether the existing circumstances were such as to afford the necessary justification, the minister declared himself as anxious to meet, as his opponents were solicitous to avoid; and he challenged them to throw off their reserve, to cast away their pretexts, and to meet

it fairly, openly, and without disguise or subterfuge; for, in that discussion, the different motives of the contending parties would be unfolded, and, from the temper and principles of the House, he was persuaded, that they would be shy indeed, in the present state of the country, to withhold those supplies on which the harmony and energy of government depended, and for which the national faith was pledged.

Mr. Pitt deprecated the personal appeals to himself; observing, that there were points, in personal honour, which no man of spirit could, for any object whatever, forego; and, whatever his connections or attachments might be, he hoped never to forfeit feelings, without which he could not, consistently, retain any opinion of himself. He therefore declared, once for all, that he considered his personal honour, deeply and inseparably concerned in the situation which he then held, and that he would not, on any account, or by any means, first resign, and then stoop to negociate; that was, leave his place, in order to make part of a new administration. He would not so trifle, either with his own honour, or with his Majesty's confidence. These he declared to be his ultimate sentiments, on a subject on which he had been so frequently pressed. The question for postponing the sup-

plies was carried, on a division, by 208 votes, against 196, leaving a majority of *twelve* against the ministers.

During this singular struggle in the House of Commons, in which points of much more importance than the continuance or dismission of any set of ministers were deeply involved, the House of Lords had, for some time, taken no step which indicated an inclination to interfere in the dispute. It would, however, have been most extraordinary, and, indeed, would have evinced either a strange misconception, or a culpable neglect, of duty, if they had persevered in such passive conduct to the end of the session, and so have left the public in perfect ignorance of their sentiments on great constitutional questions, which struck at the very vitals of that system, of which they had been constituted the hereditary guardians. In discussions, tending to restrain, if not to destroy, the lawful prerogative of the Crown, on the one hand; and to assign to the democratic part of the constitution, a new and unheard-of power, on the other, it was the peculiar province of the House of Lords, appointed for the preservation of a just equilibrium in the state, not only to take a deep interest, but a decided part. Impressed, no doubt, with this truth, they, at length, broke silence; and, on the fourth of

February, the Earl of Effingham moved two resolutions, in opposition to those which had passed the House of Commons, on the twenty-fourth of December, and on the sixteenth of January; the first of which had forbidden the lords of the treasury to exercise the discretion vested in them by law, to accept bills from India; and the last of which interfered with the prerogative of the Crown, by protesting against the continuance of the present ministers in office. Lord Effingham moved, first, "That an attempt, in any one branch of the legislature, to suspend the execution of law, by separately assuming to itself the direction of a discretionary power, which, by act of Parliament, is vested in any body of men, to be exercised as they shall think expedient, is unconstitutional." And, second, "That, by the known principles of this constitution, the undoubted authority of appointing to the great offices of the executive government is solely vested in the King; and that the House has every reason to place the firmest reliance on his Majesty's wisdom, in the exercise of this prerogative." These resolutions, as far as they are declaratory of constitutional principles, may be considered as admitting neither of contradiction nor of debate. A debate, however, ensued upon them; and the first was resisted by several peers, on the ground that the

House of Commons were peculiarly entrusted with the superintendance of all matters of revenue and finance, and had ever disputed the right of the House of Lords to interfere in such concerns. If there were any force in this objection, it might be carried much farther; for, on the same principle, the House of Commons might be justified in forbidding the ministers of the Crown to apply the supplies to the purposes to which they had been appropriated by law. In the one case, the law had vested a discretion in the lords of the treasury to accept bills from India; in the other, it empowered the officers of the Crown to appropriate the supplies to particular services; and if the House of Commons have a right to suspend the discretion, in the first instance, they must have the same right to control the power in the last. Both being sanctioned by the same authority, must be equally exempt from repression, or equally subject to restraint. But to admit the existence of a right in any one part of the legislative body, to suspend an act, for the formation of which the concurrence of the whole is requisite, is to violate one of the most obvious of all constitutional principles, and to introduce disorder and misrule into a system, justly celebrated for its harmony and its efficacy.

No attempt was made to deny the truth of

the second resolution, considered as an abstract proposition; but if it were intended to lead to no consequences, it was perfectly nugatory, and utterly unworthy to occupy the time of the House; and if it were meant as a censure on the Commons, it would produce discord between the two Houses, and occasion a dissolution of Parliament. In answer to these objections, the chancellor, alluding to the first resolution, insisted that the order of the House of Commons to the lords of the treasury was a peremptory order, which that House had no right to issue in contravention of the law of the land. If he had been a lord of the treasury, he would not have obeyed it; and his disobedience would have been founded on this plain principle, that nothing short of an act of parliament, formally passed, by the King, Lords, and Commons, had the power of suspending any part of the statute, or the common law of England. On the second resolution, in answer to the plea, that the House of Commons had a right, by the spirit of the constitution, to control the choice of a minister, the lords who advanced it, were called upon to support it by proof; and the existence of any such right was denied in the most pointed and positive terms. On a division, the resolutions were supported by one hundred against fifty-three.

The majority of the House of Commons had too much to lose by a contest with the House of Lords, at this critical juncture, when their object was to force themselves into power, and when, for that purpose, it was their interest to conciliate friendship, and not to provoke enmity, to adopt any violent proceedings in consequence of these resolutions. Nor, indeed, was it by any means certain, that the country gentlemen, who held the scales in their own hands, would, on such an occasion, make them preponderate in their favour. Another motive, too, must have had considerable weight with them; for they could not but be conscious, at least many of them, that they had greatly exceeded their powers, and that the voice of the country was, decidedly, against them. They, therefore, made a virtue of necessity, and contented themselves with appointing a committee, to examine into the usage of either House of Parliament, in regard to the interposing in the exercise of discretionary powers, vested in the servants of the Crown, or in any body of men, for public purposes. A report was made by this committee, and resolutions, to the following effect, were passed by the House: That the House had not assumed to itself a right to suspend the execution of the law: that for them to declare their opinion, respecting the exercise of any dis-

cretionary power, was constitutional, and agreeable to established usage; and that it was a duty incumbent upon them to watch over, and endeavour to prevent, the rash and precipitate exercise of any power, which might be attended with danger to public credit, and loss to the revenue. These resolutions referred to the first, passed by the lords. But they display a subterfuge utterly unworthy a deliberative public body. If the House did not mean, by their resolution of the twenty-fourth of December, to prevent the lords of the treasury from doing that which the law had authorised them to do, the arguments used in the House of Peers, in their favour, might, with great propriety, be pressed against them. The resolution was, in that case, nugatory; and the discussion which preceded its adoption, an idle waste of words. But the truth is, that it was intended to operate as a positive order; and had the order been disobeyed, during the existence of that House, it is perfectly clear, that all the punishment which *could be* inflicted, would have been experienced by the lords of the treasury. Indeed, during the progress of these discussions, the criminality of acting in opposition to the declared sentiments of the majority of the House of Commons, had been too frequently insisted upon, and urged with too much vehemence, to leave a

doubt upon the subject. They did not mean to pass *nugatory*, but *effective* resolutions; and, in this instance, they could be only effective when considered as *orders*.

The House farther resolved, that the resolution of the twenty-fourth of December constituted a judicious and regular discharge of an indispensable duty; that, had the House neglected to make a similar provision in the critical situation of public affairs, they must have been responsible to their constituents for the most alarming consequences; and that the House would, moderately and firmly, assert their privileges, and persevere in the conscientious discharge of what they owed to the nation, and to posterity. None of these resolutions applied to the second resolution of the lords, which was, evidently, intended to deny the existence of a right in the House of Commons to demand the dismission of ministers (which they virtually did by their resolution of the sixteenth of January) against whom they could allege no one criminal act, nor even one solitary instance of misconduct. The Commons then, from a consciousness of their inability to support such a right, prudently, though not honourably, evaded the question; and here the matter ended.

The stoppage of the supplies was a mea-

sure which savoured too much of party violence, to please those country gentlemen, who, with more zeal than wisdom, had combined to produce a second coalition. As Mr. Pitt had, indirectly, declared, that he would never coalesce with Lord North, that nobleman had frankly resigned all pretensions to any share in the new ministry, which it was proposed to form; and the country gentlemen had returned him their formal thanks. Having removed this obstacle, they now resolved to take the lead in the future discussions on this important subject; and, while they suffered the supplies to pass in their usual course, to move such resolutions as, in their estimation, were calculated to produce the desired change. They were very short-sighted, however, in their calculations, for it required but little penetration to perceive, that Mr. Pitt was resolved to support the lawful prerogative of his Sovereign; and that the only obstacle which had interposed to prevent him from advising his Majesty to dissolve his Parliament, was the necessity which existed for previously passing the mutiny bill, and for providing the necessary supplies for the year. He had so far succeeded in the accomplishment of his object, as to reduce the majority to this dilemma; either to refuse the supplies, a measure which must have exposed them to the indignation of every true

friend to his country; or else, by granting them, to enable the King, without inconvenience, to dissolve the Parliament. It was understood, that a meeting had been held at the house of a nobleman, at the head of the opposition, at which the expediency of refusing the supplies was seriously discussed: it was determined, however, in the negative; and, indeed, the resolution of the country Gentlemen not to concur in such a measure, must, of necessity, have rendered any determination of a contrary nature perfectly nugatory.

In pursuance of the plan now adopted, Mr. Powis moved an address to the Throne, in which the House expressed their reliance on his Majesty's royal wisdom, that he would take such measures as might tend to give effect to the wishes of his faithful Commons, which had been already most humbly presented to his Majesty. This language was sufficiently plain, without transgressing the bounds of decorum; but, in order to render it more pointed, though not more plain, the opposition resolved to point out the means by which they wished this effect to be produced; and, on the motion of Mr. Eden, therefore, they added the following words to the address—"by removing any obstacle to the formation of such an administration as the House had described to be

requisite, in the present critical and arduous state of public affairs." In the discussion which this motion produced, Mr. Fox contended, that the people were deluded; that their true voice was to be found in the House of Commons; and that Mr. Pitt was a mere nominal minister; the mere puppet of secret influence. Mr. Pitt repelled the insinuation, and confuted the charge. He renewed his declaration, that, could the peace and happiness of the country be at all promoted by his resignation, he would instantly resign. But he would not resign as a preliminary to negotiation. He, successfully, exposed the fallacy of Mr. Fox's arguments, and the contradictions into which he perpetually fell; and he assured him, that he would never consent to become *his* puppet, nor to exchange the confidence of his Sovereign for *his* protection. He avowed himself the friend of the King's just prerogative. Prerogative had been justly called a part of the rights of the people; and sure he was, that it was a part of their rights which the people were never more disposed to defend; of which they were never more jealous than at that hour. If it were once granted, that the House of Commons had a negative in the appointment of ministers, the executive power should be transplanted into that House. He called upon the opposition, not to deal forth

insinuations, but to speak out; not to pass resolution after resolution, without stating the grounds on which they acted; for there was nothing more dangerous among mixed powers, than that one branch of the legislature should attack another by means of hints and auxiliary arguments, urged only in debate, without daring to avow the direct grounds on which they proceeded, and without daring to state, in plain terms, on the face of their resolutions, what the motives were, and what the principles, which led them to adopt such resolutions. He pointedly asked, if the constitutional independence of the Crown were thus reduced to the very verge of annihilation, where was the boasted equipoise of the constitution? where that balance among the three branches of the legislature, which our ancestors had measured out to each with so much precision? where the independence—nay, where even the safety, of any one prerogative of the Crown, or even of the Crown itself, if its prerogative of appointing ministers was to be usurped by the House of Commons, or if (which was precisely the same thing) its nomination of them was to be negatived by the House, without stating any one ground of distrust in the men, and without suffering themselves to have any experience of their measures?

"Dreadful, therefore," said Mr. Pitt, with the decisive tone of animated firmness, "as the conflict is, my conscience, my duty, my fixed regard for the constitution of our ancestors, maintain me still in this arduous situation. It is not any proud contempt of the constitutional resolutions of this House; it is no personal point of honour; much less is it any lust of power, that makes me still cling to office: the situation of the times requires of me, and, I will add, the country calls aloud to me, that I should defend this castle; and I am determined, therefore, I WILL defend it."—Though from the firmness and decision displayed by Mr. Pitt, in this debate, it was perfectly clear that the proposed address could be of no avail, the opposition divided the House upon it, and carried it by 197 votes to 177.

The address was presented to the King, on the twenty-fifth of February, and, in his answer delivered on the twenty-seventh, his Majesty assured the House of his earnest desire to put an end to the divisions and distractions of the country; declared that he should be always anxious to take every step most conducive to the attainment of such an object; but he could not see that it would in any degree be advanced by the dismission of his present ministers. He observed also, that there was no charge or com-

plaint urged against them, nor was any one or more of them specifically objected to; and numbers of his subjects had expressed to him the warmest satisfaction at the late changes which he had made in his councils. Under these circumstances, he trusted that his faithful Commons would not wish, that the essential offices of executive government should be vacated, until he saw a prospect that such a plan of union, as he had called for, and as they had pointed out, might be carried into effect. This answer was taken into consideration on the first of March, when Mr. Fox expressed his dissatisfaction with it, in those strong terms which he was accustomed to employ, and concluded with moving, that an humble address should be presented to his Majesty, most humbly to represent the satisfaction of his faithful Commons, at the assurance that his Majesty concurred with them in opinion, that it concerned the honour of his Crown and the welfare of his people, that the public affairs should be conducted by a firm, efficient, extended, united administration, entitled to the confidence of his people, and such as might have a tendency to put an end to the unhappy divisions and distractions of the country; to acknowledge his Majesty's paternal goodness, in his late most gracious endeavours to give effect to the object

of their late dutiful representation; to lament, that the failure of these, his Majesty's most gracious endeavours, should be considered as a final bar to the accomplishment of so salutary and desirable a purpose; and to express their concern and disappointment, that his Majesty had not been advised to take any further steps towards uniting, in the public service, those, whose joint efforts had recently appeared to his Majesty most capable of producing so happy an effect;—that the House, with all humility, claimed it as their right, and, on every proper occasion, felt it to be their bounden duty, to advise his Majesty, touching the exercise of any branch of his royal prerogative;—that they submitted it to his Majesty's royal consideration, that the continuance of an administration, which did not possess the confidence of the representatives of the people, must be injurious to the public service;—that the House could have no interest distinct and separate from that of their constituents, and that they therefore felt themselves called upon, to repeat these loyal and dutiful assurances which they had already expressed, of their reliance on his Majesty's paternal regard for the welfare of his people, that his Majesty would graciously enable them to execute those important trusts, which the constitution had vested in them, with honor

to themselves, and advantage to the public, by the formation of a new administration, appointed under circumstances which might tend to conciliate the minds of his faithful Commons, and give energy and stability to his Majesty's councils ;—that, as his Majesty's faithful Commons, upon the maturest deliberation, could not but consider the continuance of the present ministers, as an insurmountable obstacle to his Majesty's most gracious purpose to comply with their wishes in the formation of such an administration as his Majesty, in concurrence with the unanimous resolutions of that House, seemed to think requisite in the present exigences of the country, they felt themselves bound to remain firm in the wish expressed to his Majesty in their late humble address, and did, therefore, find themselves obliged again to beseech his Majesty, that he would be graciously pleased to lay the foundation of a strong and stable government, by the previous removal of his present ministers.

The motion for this address gave rise to a very long and animated debate, in which Mr. Fox and General Conway took the lead on one side, and Mr. Pitt, and Sir William Dolben on the other. All the constitutional points which had already been discussed so often, respecting the prerogative of the Crown, and the rights of

the House of Commons, were once more argued, with equal ability and warmth. Mr. Pitt, on this occasion, declared, that his education, his habits, his opinions, and his pursuits, had all combined, to make him value and support, the rights and dignity of the House of Commons. But, at the same time, he felt it equally his duty to maintain and uphold the just and constitutional prerogatives of the Sovereign.—It having been urged as a charge against the ministers, that their predecessors had been dismissed against the sense of the House, Mr. Pitt asked, what was the meaning of such a charge? To what conclusion did the argument lead, when followed up? Did it not fairly admit of this comment,—that it was improper for his Majesty to dismiss his ministers, provided they were approved of by the House of Commons? and that, so long as they acted agreeably to its sentiments, so long, and no longer, were they to enjoy the patronage of the Crown, and retain the offices of administration? Was that a decent treatment of the prerogative? was that constitutional doctrine? was it not degrading the dignity of the Sovereign? was it not transferring the prerogatives of the Crown, to the House of Commons, and placing the royal sceptre under the mace that lay on the table? The constitution of this country was its glory. But, on what a nice adjustment did its excel-

lence consist! Equally free from the distractions of democracy, and the tyranny of absolute monarchy, its happiness was to be found in its mixture of parts. He pronounced a warm, but just panegyric, upon the form of our government, pointed out its peculiar excellencies, and traced its happy effects. He then mentioned, that it was the intention of the address to defeat and destroy the whole system,—to arrogate a power which did not belong to the House of Commons,—to place a negative on the exercise of the prerogative, and to destroy the balance of power in the government, as settled at the revolution.—The address was carried by a majority of *twelve.*

On the fourth of March, this address was presented to the King, who, in his answer, observed, that he had already expressed to the House, how sensible he was of the advantages to be derived from such an administration as was pointed out in their unanimous resolutions, and had assured them of his desire to promote such an object. He still cherished the same sentiment, but he continued equally convinced, that it was an object not likely to be obtained by the dismission of his present ministers. He must repeat, that no charge or complaint, or any specific objection, had yet been made against any of them. If there were any such ground

for their removal at that time, it would be equally a reason for not admitting them as a part of that extended and united administration, which the Commons stated to be requisite. He did not consider the failure of his recent endeavours as a final bar to the accomplishment of the purpose which he had in view, if it could have been attained on those principles of fairness and equality, without which it could neither be honourable to those who were concerned in it, nor lay the foundation of such a strong and stable government, as might be of lasting advantage to the country. But he knew of no farther steps which he could take, that were likely to remove the difficulties which obstructed that desirable end. He had never called in question the right of his faithful Commons to offer their advice on every proper occasion, touching the exercise of any branch of his prerogative. He should be ready, at all times, to receive it, and to give it the most attentive consideration; they would find him ever disposed to shew his regard to the true principles of the constitution, and to take such measures as might best conduce to the satisfaction and prosperity of his people.

This was the kind of answer which the House might naturally have expected from the King; because it was perfectly consistent with

his past declarations, and with the whole tenor of his conduct; and because there was not the shadow of a probability, that the cabinet would advise his Majesty to hold different language at St. James's, from that which his ministers had uniformly holden in Parliament. The House took three days to consider of their reply, and then, on the eighth of March, drew up a long *remonstrance*, which they ordered to be presented to the King.

In this remonstrance, they testified their surprize and affliction at not having received a different answer; and expressed their concern that his Majesty should still be induced to prefer the opinions of individuals, (meaning his cabinet ministers, to whom alone responsibility could attach for their advice) to the repeated advice of the representatives of his people in Parliament assembled, with respect to the means of attaining an end which his Majesty had admitted to be desirable. They represented that a preference of this nature was as injurious to the true interests of the crown, as it was wholly repugnant to the spirit of our free constitution. They compared his Majesty's conduct, on the present occasion, with that of former monarchs, who had suffered themselves to be governed by *favourites*; adverted to the bad consequences of such an exploded system,

and contrasted it with the system pursued by the princes of the House of Brunswick, who had commanded the respect and admiration of all the nations of the earth, by a constant and uniform attention to the advice of their Commons, however adverse such advice might have been to the opinions of the executive servants of the crown. They admitted his Majesty's right to chuse his own ministers, but observed, that no administration, however legally appointed, could serve his Majesty, and the public, with effect, which did not enjoy the confidence of that House; and in the existing administration they could not confide. The circumstances under which it was constituted, and the grounds upon which it continued, had created just suspicions in the breasts of his faithful Commons, that principles were adopted, and views entertained, unfriendly to their privileges, and to the freedom of our excellent constitution. They alleged, as the reason why no specific charge had been preferred against the ministers, that their object was *removal*, and not *punishment*; and they conceived themselves warranted, by the ancient usage of the House, to desire such removal, *without making any charge whatever.* Confidence might, in their opinion, be very prudently withheld, where no criminal process could properly be instituted. And, although

they had preferred no criminal charge against any individual of his Majesty's ministers, yet, they apprehended that they had stated to his Majesty, *very distinct objections*, and *very forcible reasons*, against their continuance. As to the propriety of admitting either the ministers in question, or any other persons, as a part of that extended and united administration which his Majesty, in concurrence with the House, considered as requisite, it was a point on which they were too well acquainted with their duty to presume to offer any advice to his Majesty; well knowing it to be the undoubted prerogative of his Majesty, to appoint his ministers without any *previous* advice from either House of Parliament; while it was their duty humbly to offer their advice, when such appointments should appear to them to be prejudicial to the public service.

They then proceeded to state, that the consolation which they had derived from his Majesty's gracious disposition, was considerably abated by the consideration, that his advisers had not suggested any farther steps for removing the difficulties which prevented the formation of a new ministry; and they reminded their Sovereign, that they themselves could only have his interests, and those of their constituents, in view, while individual advisers, (ministers)

might be actuated by very different motives. They expressed their gratitude to him for his recognition of their right of advice; but his gracious expressions not a little contributed to increase their suspicions of the men who had advised his Majesty, *in direct contradiction to his assurances*, to neglect the advice of his Commons, and to retain in his service an administration, whose continuance in office they had so repeatedly and distinctly condemned.

They next brought to his Majesty's recollection, that it had been the ancient practice of the House of Commons, to withhold supplies until grievances were redressed; and, that if they were to follow that course, in the present conjuncture, they should be warranted in their proceeding, as well by the most approved precedents, as by the spirit of the constitution itself. Having used this threat, however, for in no other light could it be considered, they hastened to disclaim all intention of carrying it into execution, observing, that if, in consideration of the very peculiar exigencies of the times, they should be induced to waive, *for the present*, the exercise, in this instance, of their undoubted legal and constitutional mode of obtaining redress, they implored his Majesty not to impute their forbearance to any want of sincerity in

their complaints, or to any distrust in the justice of their cause.

They ascribed the past prosperity of the country, to the harmony which, for a century, had uniformly subsisted between the crown and the House of Commons; they considered the continuance of that harmonious system, as alone adequate to rescue the country from the difficulties which pressed upon it; and they regarded the continuance of the existing administration, as *an innovation* upon that happy system. They consoled themselves, for their disappointment, in the consciousness of having done their duty to the King, and to their constituents, by pointing out the evil, and by imploring redress: and they cast the whole blame and responsibility upon those who had advised the King *to act in contradiction to the uniform maxims which had hitherto governed his conduct, as well as that of every other prince of his illustrious House;*—upon those who had disregarded the opinions, and neglected the admonitions, of the representatives of his people, and who had thereby attempted to set up a new system of executive administration, which, wanting the confidence of the House of Commons, and acting in defiance of its resolutions, must prove at once inadequate, by its inefficiency, to the necessary

objects of government, and dangerous, by its example, to the liberties of the people.

By their perseverance, the House of Commons had placed the King in a very extraordinary situation; for, if he had complied with the advice contained in their repeated resolutions, all of which centered in one object—the dismission of the present ministers—he must have acted in direct contradiction to the resolution of the House of Lords, who, by a considerable majority, had expressed their satisfaction at the mode in which his Majesty had exercised his prerogative. The last remonstrance of the Commons affected the language of humility, while, in sentiment and effect, it was threatening, arrogant, and commanding. The reference to the reigns of those weak monarchs, who had, in former times, surrendered their judgment, and their power, to the custody of capricious, artful, and ambitious favourites, being utterly irrelevant, could only be regarded as insulting.—There was no analogy whatever, between the cases to which they referred, and the subject on which they remonstrated. The King, in the present instance, reposed his confidence in no favourite, but in a constitutional ministry, legally appointed, and responsible for their measures, and for their advice.—It was rather extraordinary, too, that a reference should be

made to practices antecedent to the revolution, by a confederacy of whigs, to a Prince of the House of Brunswick!—Nor was there any greater analogy between the periods to which they alluded, (though they wisely forbore to specify any particular time) when the advice of the House had been preferred by the crown to the opinions of the cabinet, and the present occasion; because, in no instance recorded in history, did the House of Commons ever call upon the King to dismiss his ministers, without alleging against them some act of gross misconduct, or some proof of personal incapacity. How ancient usage, therefore, could be said to warrant the demand of dismission, without the exhibition of a single charge, it is not very easy to conceive. By the terms in which they spoke of the neglect with which their advice had been treated, and by their allusion to the ancient practice of refusing the supplies, (most exercised by the regicides, in the reign of our first Charles) it is evident that they wished to give to their advice the *effect* of a command, notwithstanding the humility of their language, and the loyalty of their professions; and, indeed, if the King were reduced to the necessity of dismissing ministers, who enjoyed his confidence, on the mere application of a majority of the House of Commons, or else, were to be deprived

of the means of supporting his government, and of providing for the necessities of the state, his prerogative of chusing his own servants would be a mere nullity, and the nomination of ministers would, in fact, be transferred to the House of Commons. They first render the ministers inefficient, by an act of their own, in a systematic opposition even to measures about which no difference of opinion could exist, (such as the mutiny bill) and then make that inefficiency a ground of complaint. And, lastly, they represent their continuance in office as dangerous to the liberties of the people, while they exert every effort to prevent the King from making an appeal to his people, and, by that means, to collect their sentiments, in a constitutional way, respecting the exercise of his prerogative, and the merits of his servants. It was not, then, a matter for surprize, that a remonstrance of such a description should alarm some of those who had hitherto given their support to opposition. On a division, it was carried only by *one* vote,—one hundred and ninety-one having voted for it, and one hundred and ninety against it.

It was natural that this division should discourage the party from any farther exertions for the recovery of their lost power. The mutiny bill was passed, without opposition, on

the tenth of March. As a speedy dissolution was expected, the minister was goaded in every possible way, with a view to extort from him a disclosure of his intentions.—But sarcasm, taunts, raillery, and invective, every species of weapon, and every mode of attack, were employed in vain. Having fully and repeatedly explained his sentiments on every point at issue, he resolutely abstained from all needless discussion, and preserved an inflexible silence. All the supplies having been regularly voted, and no measure of indispensible necessity remaining to be carried, the King, on the twenty-fourth of March, prorogued his Parliament. In his speech from the Throne, on this occasion, his Majesty declared, that he felt it to be a duty which he owed to the constitution, and to the country, to recur, as speedily as possible, to the sense of his people, by calling a new Parliament. He expressed his confidence in the tendency of such a measure to obviate the mischiefs arising from the unhappy divisions and distractions which had lately subsisted, and trusted that the various important objects which required consideration would be afterwards proceeded upon with less interruption, and with happier effect. He could have no other object, but to preserve the true princi-

ples of our free and happy constitution, and to employ the powers entrusted to him by law, for the only end for which they were given—to the good of his people.—On the evening of the next day, March twenty-fifth, the Parliament was dissolved by proclamation.

[library stamp, partly legible]

CHAP. IV.

General Reflections on Mr. Pitt's Conduct—Views and proceedings of the Whig Party—Mr. Pitt placed in a very peculiar situation—Memorable remark of Lord Chatham respecting his brother—Mr. Fox's doubts of the sincerity of Mr. Pitt's wishes for a coalition of parties removed by Mr. Dundas—The dissolution of Parliament not necessarily an appeal to the people—Meeting of the New Parliament—A great majority in favour of the ministry—Extraordinary remonstrance against the late dissolution, read in the House of Commons by Mr. Burke—Reflections on the same—Means for preventing frauds on the Revenue—The Commutation act—Preliminary measures for the relief of the East India Company—Bill for the regulation of the Government of India—Debates thereon—Provisions for the trial and punishment of Asiatic delinquents disapproved—Mr. Pitt's just views of chartered rights—Objections to the whole plan by the opposition—Mr. Fox's sentiments on the subject—Different conduct of Mr. Pitt and Mr. Fox respecting Indian affairs—Investigation of public accounts—Mr. Pitt adopts a new mode of disposing of the Loan—Beneficial effects thereof—Supplies—Ways and Means—Mr. Dundas's bill for the restoration of the forfeited estates in Scotland—Arguments in support of it—Reflections on the measure—Passes the House of Commons—Is opposed by Lord Thurlow—Ground of his opposition not tenable—Receives the Royal Assent—Session closes.

[1784.] The arduous struggle which Mr. Pitt had so long sustained, in his ministerial

capacity, with a majority of the House of Commons, could not fail to impress the nation with a very high sense of those intellectual endowments which he had exerted with so much perseverance, and with so much effect. The situation in which he was placed was almost without example, in the Parliamentary history of the country. All the whig interest, at that time extremely formidable, although somewhat deranged by the death of the Marquis of Rockingham, had been employed to prevent, first, his accession to power, and, afterwards, his continuance in office.—Confident in their numbers, and relying on the critical state of public business, the leaders of that party formed the bold project of driving him from the helm, and of recovering the reins of power for themselves. They concluded, (though contrary to the opinions of some of our best lawyers) that no dissolution could take place, until the mutiny bill had passed, and the supplies had been granted; and they hoped to make these acts the condition, with their Sovereign, of the continuance of his Parliament. Putting the end and purpose for which they were appointed to their seats, entirely out of the question, they were intent, solely, on the promotion of their own political interests, and the attainment of their own immediate object. The classic eloquence, and sportive wit

of a Burke, the strong sense, and pointed rebukes of a Fox, the manly reasoning, and direct censures of a North, with the eccentric genius, and sarcastic raillery of a Sheridan, were all directed to this one point. The successful resistance of these efforts, then, required a combination of all the best of those varied qualities, together with a consistency of principle a strength of conscious rectitude, and an unshaken firmness of mind, without which the most valuable endowments, under such circumstances, would have been of little avail. Happily for himself, and for his country, Mr. Pitt possessed those requisites; and they enabled him to oppose, with effect, every attempt to betray him into hasty and inconsiderate pledges, or into any unconstitutional compromise of the royal prerogative. Having clearly ascertained the strait path of duty, he resolved to pursue it with inflexible perseverance; he knew, indeed, that the Commons had the *power* to stop the supplies, and to throw the government into confusion; but he did not believe that the noblemen of the whig party, among whom were some men of the first families, and of the first respectability in the kingdom, could be brought to assent to the adoption of such violent and unconstitutional measures; and he wisely determined, that, if he were mistaken in his opinion,

and the event should not justify the credit which he gave them, they should be exposed to the nation in their true colours, and be alone responsible for the consequences of their conduct, and for the extraordinary proceedings which it might render necessary.

In another point of view, also, the situation of Mr. Pitt, during the last months of the preceding parliament, might be considered as extraordinary. The early bias of his mind, the natural consequence of a classical education, ardently pursued, and of parental example, fondly contemplated, was in favour of the democratic part of the constitution. Yet did it fall to his lot, to stand forth the champion of Regal prerogative, and, consequently, to subject himself to the imputation of being hostile to popular rights,—preferred by those who look only at the superficies of things. He was well aware, that the lawful prerogative of the crown constituted an essential portion of the rights of the people, who were, at least, as much interested in its preservation, as the monarch on the Throne. For, as these flow from the constitution, the existence of which depends on the strict observance of those powers which are vested by law in each of its component parts, it follows, of course, that any attempt to destroy this political balance, by any invasion of the privileges, or prerogatives,

of any one part, by either of the others, is an infringement on the rights of the people. It was hoped, however, by his opponents, that such reasoning would prove too subtle for the comprehension of the common herd of mankind, and that his conduct might easily be made to afford food for popular prejudice.—Deaf to such clamours, and inattentive to such considerations, Mr. Pitt steadily pursued his even course, and the event fully justified his most sanguine expectations.

Placed in a situation at once so novel and so arduous, it would not have excited the least surprize, if a mind, so young in years, although so firm in principle, had shrunk from the trial, and declined to encounter the accumulated difficulties by which it was surrounded.—There was a point of time, indeed, during the discussions on this subject, at which, from some circumstance or other, probably from the conciliatory tone of some of his speeches, a suspicion was entertained, by his nearest connections, that, tired with struggling against the torrent of opposition, Mr. Pitt inclined to give way, and, by resigning his place, to leave his sovereign either to seek for another champion to defend his invaded rights, or to reduce him to the necessity of surrendering his power to his discarded servants. It deserves to be recorded

that, on this occasion, his brother, the earl of Chatham, expressed his opinion to one of Mr. Pitt's confidential friends, in the most decisive terms. He observed, that however Mr. Pitt might act, on the present occasion, he should always continue to esteem him as an amiable and upright man; but if, on such an emergency, he should forsake his King, he should never more respect him as a public character. His Lordship had too sound a judgment not to appreciate the duty which his brother had to perform, too much loyalty to his King, not to wish him to perform it, at whatever hazard, or with whatever trouble to himself; and too much foresight not to perceive the evil consequences which must inevitably result from its non-performance. The effect of yielding to the opposition, at such a time, and on such a question, would have been the imposition of shackles upon the King, in the exercise of his prerogative, which he would not have been able to shake off during the remainder of his reign. All the power of the monarchy would have been virtually vested in the whigs, and the sovereign would have remained a mere pageant of royalty, without authority, and without consequence.

In the course of one of the debates, in the House of Commons, in the early part of these proceedings, when the opposition had serious

thoughts of stopping the supplies, and while the meetings of the country gentlemen were holding at the St. Albans' tavern, with a view to promote the coalition of parties, Mr. Fox took Mr. Dundas (on whose frankness and veracity he knew he could depend) apart, and asked him whether Mr. Pitt was seriously inclined to favour such a coalition. Mr. Dundas assured him that, at that time, he certainly was; but that, ere a fortnight would expire, unless the project was carried into execution, he would, probably, be induced to change his opinion and intentions. On receiving this information, Mr. Fox immediately postponed the consideration of the measure then before the House, but the subsequent impediment, started by the duke of Portland, prevented, as has been seen, the success of the project.

It is not every dissolution of Parliament that can, with propriety, be regarded as a direct and specific appeal from the sovereign to his people. But, where a difference subsists between the King and either house of Parliament; or between one house and the other; or, where the majority of either House is adverse to the ministers of the crown, the act of dissolving the Parliament must be so considered; and it is the strongest proof which the sovereign can afford of the confidence which he reposes in his sub-

jects, when he makes them, as it were, arbiters between his ministers and their opponents. On the present occasion, the voice of the nation was decidedly in favour of the administration; and nearly one-third of the old Parliament, who had seats in the House of Commons, and who had opposed the measures of government, were not returned to the new.

On the eighteenth of May, the new Parliament assembled; the Commons immediately re-chose Mr. Cornwall for their speaker; and the next day they were summoned to attend his Majesty in the House of Lords, when he expressed his satisfaction at meeting his Parliament, after recurring, at so important a moment, to the sense of his people; and his reliance that they were animated with the same sentiments of loyalty, and the same attachment to our excellent constitution, which he had had the happiness to see very fully manifested in every part of the kingdom. The happy effects of such a disposition, he doubted not, would appear in the temper and wisdom of their deliberations, and in the dispatch of the important objects which demanded their attention. His Majesty declared, that it would afford him peculiar pleasure to find, that the exercise of the power entrusted to him by the constitution had been productive of consequences so beneficial to his sub-

jects, whose welfare and interest were always nearest his heart.

The principal objects recommended in the speech, to the attention of parliament, were the frauds which prevailed in the revenue; the necessity for some new commercial regulations, and the affairs of the East India company. In providing for the better government of our dominions in Asia, his Majesty cautioned his Parliament to pay particular regard to the effect which such provisions might have on the constitution of Great Britain. And he concluded with a declaration, that his only wish was to consult the prosperity of his people, by a constant attention to every object of national concern, by an uniform adherence to the true principles of our free constitution, and by supporting and maintaining, in their just balance, the rights and privileges of every branch of the legislature.

The address to his Majesty was, of course, opposed by the members of the last administration, because it expressed a decided approbation of a measure which they had strongly resisted—the dissolution of Parliament. It was proposed, therefore, to leave out all the words which related to that subject; and in support of this proposition, it was contended, that the *onus probandi*, that there existed an absolute necessity for the dissolution, in order to preserve the

constitution, was imposed on the ministers; while the fact was denied by the opposition. A debate ensued, at the close of which, Mr. Pitt answered the arguments advanced by the opposition; observing that, anxious as he was for unanimity, on such an occasion, he would not consent to purchase it, by blinking a great constitutional question. He then entered into a defence of the dissolution; and, on a division, the address, in its original state, was carried by a majority of one hundred and sixty-eight,—one hundred and fourteen having voted for the amendment, and two hundred and eighty-two against it.

Before, however, any other business had been transacted, and before, indeed, the House *could* transact any business, because it had not chosen a speaker, one of its members, Mr. Lee, had entered into a long dissertation, in the form of a complaint, on the conduct of the high bailiff for Westminster, who had made no return to the writ; and concluded with moving, that it was "his duty to return two citizens to serve for the said city."—The motion, however, was rejected by a considerable majority. The fact was, that at the close of the poll, a majority had appeared for Lord Hood and Mr. Fox, but Sir Cecil Wray, the third candidate, having demanded a scrutiny, which was proceeded with,

and a great number of votes having been objected to as illegal, the high bailiff had not been able to finish the scrutiny, nor, consequently, to decide which of the candidates had a majority of legal votes. The question was again brought before the House on a subsequent day, the eighth of June, in the shape of a motion for compelling the high bailiff to make a return to the writ; when it was argued, very fully, and ultimately decided, by a large majority, that he should be directed to proceed with the scrutiny.

The opposition were highly dissatisfied with the decision of the House on the subject of the dissolution; and on the fourteenth of June, Mr. Burke again directed the attention of the members to that topic. In a long and eloquent speech, he entered into a defence of the late ministers, and represented the nation as acting under the influence of delusion, when induced to censure their conduct. From the rich stores of his exuberant fancy, he drew a variety of analogies, to embellish his argument, and to elucidate the question. And he concluded a beautiful declamation, with the production of a representation to the Throne, of a length so enormous, as to convulse the House with laughter. In this paper, drawn up with Mr. Burke's usual ability, much ingenious, much

questionable, and much erroneous speculation is to be found.* The high privilege of the House of Commons to control the exercise of the royal prerogative is re-asserted, in a plenitude and extent, which, if once admitted, would go very far to render that House the supreme, and the monarch only a secondary, power in the state. The late dissolution is reprobated in terms of animadversion the most pointed and strong;—in allusion to the language of the speech, it is *insisted on*, as the undoubted right of the House, that no persons shall be deemed proper objects of animadversion by the Crown, in any mode whatever, for the votes which they give, or the propositions which they make, in Parliament. The House is represented as the natural guardians of the purity of Parliament, and of the purity of every branch of judicature; and Mr. Fox's India bill is stated to have been "the most moderate of all possible expedients." In his zeal for the rights and the prerogatives of the House of Commons, Mr. Burke had, in the speech with which he ushered in this remonstrance, declared, that "the House had a right to entertain whatever bill it pleased,

* This curious remonstrance is to be found, at length, in Dodsley's Annual Register, vol. 27, p. 151, et seq.; where it occupies *twelve octavo pages* of small letter, and very close printing.

even if it were possible that it could be treasonable; or, if it were even for lopping off a whole branch of the prerogative!" If power and right were synonymous terms, this doctrine might be less liable to objection; but, fortunately, the constitution is better secured than to be subject to *authorised* attempts at destruction, from any one of its constituent parts. The remonstrance, however, contained a complete denial of the absurd dictum of Lord Somers, by expressly admitting, that, "it is in the power of the Crown to choose a time for the dissolution, (of Parliament) *whilst great and arduous matters of state and legislation are depending.*" On the production of this remonstrance, a general negative, most emphatically pronounced, prevented the necessity of a division.

Mr. Pitt, firm in the confidence of his Sovereign, and the support of Parliament, now directed all the energies of his mind to the adoption of necessary measures, for restoring the sinking credit, and for improving the decreasing revenue, of the country. Commerce was still in a declining state, from the consequences of the late expensive contest; and the restoration of peace had not produced its usual effect of raising the funds from the state of depression to which they had been sunk during the war. The expenditure exceeded the reve-

nue; and the practice of smuggling prevailed to a most alarming extent; while the abuses, allowed on all sides to exist in the government of India, required immediate attention. Before, however, he ventured to propose any means for improving the revenue, or to mention any commercial regulations to the House, it was necessary to devise some means for the effectual suppression of contraband trade. For this purpose, he had consulted with persons best qualified to give him useful advice, on a subject at once so complicated and so important; and he had exerted his usual diligence in the collection of those facts, which were to supply him with materials for the erection of his new system. A committee had, indeed, been appointed by the former ministers, to investigate the imputed frauds on the revenue; they had made three reports on the subject; and their intelligent chairman, Mr. Eden, who was peculiarly conversant with matters of trade and revenue, had moved the House to resolve, that smuggling had greatly increased, that the public revenue was annually defrauded, to the amount of two millions, and that these enormities, and national losses, required the early and serious attention of the legislature. Soon after the meeting of the new Parliament, these reports, and the existing laws for the prevention of contra-

band trade, were referred to a committee of the whole House; and, on the second of June, Mr. Pitt obtained leave to bring in a bill for the more effectual prevention of smuggling. The principal regulations enforced by this bill, which, after considerable discussion, passed into a law, went to extend the boundaries prescribed by the *hovering* act, for the seizure of ships; to prevent ships from carrying arms without a licence from the admiralty; to prohibit the return of smuggling vessels which had been captured; to forbid the building of ships of certain dimensions, calculated for the smuggling trade; and to regulate clearances, with a view to prevent ships from clearing out in ballast, and afterwards being employed in this illicit traffic.

In pursuance of the same system, he soon after introduced a bill to the House, since known by the name of the commutation act. In opening this subject to the House, he stated the illicit trade to have been carried to such an extent, as even to threaten the annihilation of several branches of the revenue. But in none had so alarming a deficiency appeared, as in the duties on tea. The whole quantity of this article, imported from China, at the period in question, was estimated at nineteen millions of pounds; of which, twelve millions were the

imputed consumption of Great Britain. But, of this quantity, only five millions and a half were sold at the sales of the East India Company: of course, no less than six millions and a half of pounds weight were smuggled into the country. In order to check this growing evil, Mr. Pitt proposed to reduce the duty on tea so low, as to leave no temptation to the illicit trader to smuggle it. The estimated expense of freight, insurance, and inland carriage, in this trade, was thirty-five per cent.; whereas the existing duty on tea was nearly *fifty*; so that the smuggler had an advantage of fifteen per cent over the fair trader. It was therefore proposed, to reduce the duty on tea to *twelve and a half* per cent.

By this means, a deficiency in the revenue, of about 600,000l. per annum, would be produced, which it was intended to supply, by an additional tax on windows; and an ingenious calculation was entered upon in order to prove, that this tax would not operate as an additional burden, as more would be gained, by most families, by the reduction of the duty on tea, than would be lost by the increase of the tax upon windows. But the chief benefit proposed to be derived from this measure, was the ruin of the smuggling trade, of which tea was said to constitute the principal support. It would likewise afford a very seasonable relief to the East

India Company, by enabling them to employ twenty more large ships in the China trade, and to sell more than double the usual quantity of tea.

It was contended, however, by the opposition, that the act could not possibly be considered as founded on a principle of *commutation*, as tea was an article of luxury, the use of which might be discontinued; whereas light was an object of indispensable necessity, without which no house could be habitable; and the public therefore would, in fact, be compelled to pay a duty on tea, even if they ceased to drink it. This argument was more ingenious in theory, than solid in its practical application; but it was farther urged, in support of the objections to the proposed measure, that it was a dangerous experiment, as no increase of the consumption of tea, which was now a certain source of revenue, could make good the deficiency that would be produced by the reduction of the duty. And it was added, that, notwithstanding such reduction, the price of tea, on the continent, was so much lower than it would be in England, that sufficient temptation for smuggling would still subsist. These objections, however, were overruled, and the bill was passed by a great majority.

In order to complete Mr. Pitt's plan for the suppression of illicit trade, he brought in a

third bill, for the regulation of duties upon British spirits, and for the discontinuance of certain imports, for a limited time, upon rum, and other spirits, imported from the West Indies. These three laws, the fruits of much information and reflection, and most maturely digested, fully answered the purpose for which they were framed. The swarms of smugglers, a hardy and desperate race, which had so long infested the maritime parts of the kingdom, were compelled to forego their dangerous, and now unprofitable, pursuits; and to become inoffensive, if not useful, members of the community.

Having thus provided for these objects of primary necessity, Mr. Pitt now directed his earnest attention to our Asiatic dominions. Before, however, he introduced again his grand plan, for the permanent regulation of the East India Company's concerns, he proposed to enable them to make dividends of eight per cent. per annum; and a bill was brought in for that purpose, which, though opposed, on the grounds that it was improper to sanction such a dividend, before the House had obtained such information of the state of the company's affairs, as would justify a belief that they were able to make it, was, nevertheless, passed into a law. On the second of July he proposed

another bill, the object of which was, to favour the company with a longer time for the payment of duties due to the exchequer, to enable them to accept bills beyond the amount prescribed by former laws, and to establish their future dividends. The solvency of the company was urged, on the one hand, as the ground for supporting these measures; and their distress, on the other, as the reason for opposing them. The bill, however, passed.

Having, by these preliminary measures, cleared, as it were, the way for the grand discussion of his intended plan, for destroying every thing that was corrupt, and for infusing as much practical good as was possible, into the government of our Indian territories; having availed himself of all the hints and suggestions which had been thrown out, in the course of former debates, on this important question, which certainly underwent as much investigation as any measure that was ever submitted to Parliament; and having had sufficient time (at least as much time as the nature of his situation would allow him to devote to any particular object) for digesting and maturing his project, and for arranging his materials, Mr. Pitt, on the sixth of July, moved, in the House of Commons, for leave to bring in "a bill for the better regulation and management of the East

India company, and of the possessions in India." He unfolded his plan to the House, with his usual perspicuity, in a speech of considerable length; and challenged a comparison between his bill and the memorable bill of Mr. Fox. He did not present it as a perfect plan, but as one which contained as many salutary regulations, and was calculated to produce as much practicable good as possible, with the least injury to the British constitution. An accession of power to somebody, the very nature of his plan required; but he admitted it to be his duty to vest it where it would be the least liable to abuse, while, at the same time, it should be sufficient, and not more than sufficient, for all the purposes for which it was conferred;—sufficient to secure to this country the wealth arising from the company's commerce; to the inhabitants of Hindustan, peace and tranquillity; and to render the servants of the company obedient to the orders which they should receive from home. He then entered into a definition of chartered rights, stating the peculiar cases in which, alone, any invasion of them would be justifiable, and applying his argument to the point in question. He laid down this principle as one which should never be departed from, that, though no charter could, or ought to supersede state necessity, still, nothing but absolute necessity could justify

a departure from charters. He admitted, that charters should not be allowed to stand in the way of the general good and safety of the country; or in the way of a reform, on which the being or welfare of the country depended; but, at the same time, he contended, that a charter ought never to be invaded, except when the public safety called for its alteration. Charters were sacred things; on them depended the property, franchises, and many other things, that were deservedly dear to Englishmen; and wantonly to invade them, would be to unhinge the constitution, and throw the state into anarchy and confusion.

He congratulated himself and the country, that the state of the East India Company's affairs was not such as called for, or would justify, a revocation of the charter; and he expressed great satisfaction at the assurance, that at the moment when he had to propose such measures for the government of India, and the conduct of the affairs of the East India company, as to his judgment appeared most applicable, there no longer existed any danger of the best and most sacred rights of Englishmen being made a sacrifice to the ambitious projects of those who, under the necessity which actually existed, had taken the desperate resolution, that nothing short of measures of the most

decisive and extreme nature, and measures far exceeding the necessity of the case, could be effectual. He thanked his God, that so great a sacrifice had been escaped; and he trusted that the majority of the House would join with him in opinion, that although it must, on all hands, be admitted, that there did exist a great and urgent necessity for the interference of the legislature, with regard to the East India company, and the future government of India, yet, that neither state policy, nor common prudence, called upon the legislature to proceed beyond the limit of the existing necessity, much less to go the length either of destroying the rights of any individuals, or bodies of men, established upon the most sacred of all foundations,—the express words of solemn charters, recognised and comfirmed by repeated acts of Parliament,—or of directly changing the constitution of the country, and departing from those known principles of government, which the wisdom of our ancestors had provided, and which had proved, for ages, the uninterrupted source of security to the liberties of Englishmen. It had already been admitted, that no rights of any body of men, however confessed to be rights of the most sacred kind, could supersede state necessity. To that, and to that alone, they must give way; but then it ought ever to be a rule of

conduct with those, to whose lot it fell to act under such a necessity, to take care that they did not exceed it. Nothing but such a necessity could warrant any government in proceeding to do, what must be an unwelcome task to all who had any concern in its execution; but, when they found themselves obliged to discharge a duty of that irksome nature, they ought to proceed warily, and with all possible tenderness and regard for those, with whose rights they felt themselves obliged to interfere; and to be assured that, in so doing, they did not, unnecessarily, tear up by the roots, and annihilate, those rights, which were of essential importance, and which ought not to have been touched, because the exigency of the case did not actually require it. He professed to derive great consolation, on the present occasion, from a circumstance, which had before exposed him to the derision of his adversaries; that, in every departure which he should propose from the charter, he should have the hearty concurrence of the company, who most cheerfully consented to every one of his regulations.

This bill was framed on the same model with that which Mr. Pitt had, in vain, attempted to carry in the preceding Parliament; though it differed from it in one material point, for it very materially enlarged the powers which

it proposed to vest in the board of control. That board was authorised, in cases of emergency, which would not admit of such delay as a communication with the directors would of necessity occasion, to issue and transmit their own orders to India, without being subject to their revision. The governor-general and council were also entrusted with an absolute power over the other presidencies, in all points relative to transactions with the country powers, and in all applications of the revenues and forces in time of war, and with a power of suspension in case of disobedience. Whatever objections the spirit of party might induce men to make to this regulation, it was one of indispensable necessity. Incalculable evils had arisen from the division of power in India, between the different presidencies: it prevented that unity of operation which is essential to the success of any plan, political or military; it enfeebled the arm of government, for whatever purposes it was uplifted; it engendered dissentions, where harmony was necessary to the welfare and security of the state; and it gave birth to numerous evils, without the production of a single advantage.

The clauses in this bill, relative to the debts of the nabob, to the differences between him and the rajah of Tanjore, and to the relief of dispossessed Zemindars, and other native

landholders, were taken from Mr. Fox's bill, but with considerable modifications, and with several exceptions. The patronage of the directors was abridged, and means provided for enforcing retrenchments in the company's establishment.

In respect of crimes or delinquencies committed in India, the offenders were rendered amenable to the courts of justice in England. The acceptance of presents was declared to be extortion, and all corrupt bargains, and acts of disobedience, were made misdemeanors, and punishable as such. The governors of the different settlements were empowered to seize all persons, suspected of carrying on an illicit correspondence; and, if necessary, to send them to England. Every servant of the company was required, within two months after his arrival in this country, to deliver in, upon oath, to the court of exchequer, an inventory of his real and personal estates, and a copy thereof, to the court of directors, for the inspection of the proprietors; and, in case any complaint should be made thereupon, by the board of control, the court of directors, or any three proprietors, possessing stock to the amount, conjunctively, of 10,000*l.* the court of exchequer was to examine the person complained of upon oath, and to imprison him, until he should have answered

the interrogatories put to him to their satisfaction; and any neglect or concealment therein was to be punished by imprisonment, forfeiture of all his estates, real and personal, and an incapacity ever to serve the company again.

This last was, certainly, a measure of extreme rigour, which nothing but the demonstrated existence of the most notorious peculation and plunder could possibly justify. It was repugnant to one of the first principles of criminal jurisprudence, inasmuch as it made the party accused supply the means of his own conviction, and established an inquisitorial power, foreign alike from the spirit and the practice of British law. It also held out a strong temptation to the commission of perjury, by placing a man in a situation in which he never ought to be placed; in which his duty and his interest would be at variance with each other; and thus reducing him to the alternative of either committing perjury, or convicting himself. Indeed, a stronger temptation to commit perjury can scarcely be conceived, than where a man, by telling truth, exposes himself to the loss, not only of his whole property, but of his liberty also. There ought to be something more than suspicion to authorize a measure at once so extraordinary and so severe; and nothing appears to have been produced, or even stated to the House, to justify such a wide departure from the established rules

of proceeding in criminal cases. Mr. Pitt, indeed, urged, that either a new process must be instituted, or offences, equally shocking to humanity, repugnant to justice, and contrary to every principle of religion and morality, must continue to prevail, unchecked, uncontrolled, and unrestrained. The necessity of the case, in his opinion, outweighed the hazard of the innovation; and when it was considered, that those who might go to India hereafter, would know the danger of transgression before they left England, he trusted it would be admitted, that the expedient ought to be tried.—From these general assertions of existing depravity, no one stood forward to dissent; indeed, it was the very ground alleged, on all sides, for the interference of the government in the affairs of India. But it by no means appears clear, that efficient courts might not have been instituted in the country, for all offences committed there by the servants of the company, who might have then received the benefit of trial by their peers, while the means, either of conviction or justification, would be at hand, without any deviation from the established rules of evidence. And all those acts, complained of by Mr. Pitt, might have been rendered as highly punishable by law, as their enormity might require.

This one deviation led to another. For the more speedy and effectual prosecution of persons, charged with offences committed in the East, a new court of justice was appointed, to consist of three judges, appointed by the three courts, four peers, and six members of the House of Commons; the four peers to be taken by lot, out of a list of twenty-six, to be chosen by ballot at the commencement of every session of Parliament; and the six Commoners, out of a list of forty members, to be chosen in the same manner; liberty being given to the party accused, and to the prosecutor, to challenge a certain number of the same. The act farther directed, that all depositions of witnesses taken in India, and all writings received by the court of directors, and copies of those sent out by them, should be received as legal evidence. The judgment of this court was declared to be final, and to extend to fine and imprisonment, and to rendering the party incapable of serving the company in any capacity whatever.

The greater part of those members of both Houses who had supported Mr. Fox's bill, gave their most strenuous opposition to this. The objections to it were manifold; some of them of a nature, purely theoretical, and ingenious only in argument;—but others carried with them more of weight and solidity.

It was considered, on the one hand, as not sufficiently efficacious for the restriction or punishment of the abuses for which it professed to provide remedies; and, on the other, as infinitely too rigorous, as well as unconstitutional, in the means adopted for the trial and conviction of delinquents. Mr. Fox, in particular, accused the bill of preparing feebleness at home, by a division of power;—if there were a receipt, a nostrum, he said, for making a weak government, it was by giving the power of contriving measures to one, and the nomination of the persons who were to execute them to another. Theories that did not connect men with measures, were not theories for this world; they were chimeras with which a recluse might divert his fancy; but not principles on which a statesman would found his system. He contended, that by giving a negative on the appointment of offices to the commissioners, the East India company was virtually annihilated, and the so-much-vaunted chartered rights destroyed. The bill he characterised as a scheme of dark and delusive art, which took away the claims of the company, by slow and gradual sap. The first assumption made by the minister, was the power of superintendance and control, and what, he asked, was the meaning of that power? Did it mean such a superin-

tendance and control as the House of Commons possessed over ministers? No; for that House had not the power of giving official instructions. It was to be an active control, —it was to originate measures. At last, to complete the invasion, orders might be secretly conveyed to India, by the commissioners, at the very moment they were giving open countenance to instructions to be sent from the directors of an opposite tendency. To suffer such a scheme of dark intrigue, would, in his mind, be a farce, a child's play, and did not deserve the name of a government. To this progressive, and underhand scheme, he peremptorily objected. If it were right to vest the powers of the court of directors, in a board of privy counsellors, at any rate it should be done openly. A great nation ought never to descend to gradual and insidious encroachment. "Let them do what they wish for explicitly, and shew the company, that what they dare to do, they dare to justify."

That Mr. Fox, in his own bill, had acted up to this manly and vigorous principle, which requires only wisdom in its application to extort admiration, and to deserve praise, is most certain. He had boldly avowed his opinion, and he had framed his system accordingly, without any regard to the rights of individuals,

and without a due attention to the forms and principles of the constitution. Could he have proved the existence of a state-necessity, (that paramount plea to which all inferior considerations must yield) to justify his measure, its boldness might have surprised, but would not have alarmed, the sober and thinking part of the country. But as this could not be proved, because no such necessity existed, he was justly exposed to all the obloquy attending an enormous stretch of power, without any adequate cause. Mr. Pitt, on the other hand, avowed it as the rule of his conduct, that the measure which he had to propose, should not go beyond the necessity of the case. That was the standard by which it was to be tried. If it could be proved to exceed the prescribed limits, it was fairly censurable; and, in the means provided for the trial and punishment of delinquents, it appears to have been properly chargeable with such excess. It was defended, however, on the ground of necessity, though the necessity was not proved; and as it was admitted to be only a bill of experiment, the objections against it were overruled, and it was carried, in both houses, by a great majority.

Having thus provided for the security of our revenue at home, and for the better regulation of our territories in India, Mr. Pitt was

compelled to turn his attention to the existing burthens of the state, and to devise the necessary means for winding up the accounts of the war. He brought the subject before the House on the last day of June, when he entered into a recapitulation of the supplies which had been granted by Parliament, and the ways and means for raising them. By his statement it appeared that six millions of the supplies voted had been left unprovided for, and he proposed to raise that sum by a loan.—With a view to procure the most favourable terms for the public, in negotiating the loan, he departed from the usual mode of proceeding, and resolved to dispose of it to the best bidder.—Hitherto, the loan had been a source of patronage to the minister, who had an opportunity of obliging his friends and favourites with any portion of it, and they, from the premium which it generally bore, before any part of the money had been advanced, derived from it a considerable profit. This being obviously disadvantageous to the public, Mr. Pitt, who never suffered any motives of a private or personal nature to interfere, for a moment, with his plans for the national service, determined to adopt a different system. He accordingly concluded, with the best bidder, to give for every £100 subscribed, stock and annuities to the amount of £99 19 2½, with

six lottery tickets as a douceur, to every subscriber of a £1000, and so in proportion, for every greater or smaller sum.

The unfunded debt, at this time, amounted to upwards of twelve millions in navy bills, and one million in ordnance debentures. He proposed to fund only seven millions of this debt in the present year, and to leave the remainder for the next. Still, as most of the navy bills bore interest, and as the interest on that part which he did not mean to fund this year, would amount to 280,000*l.* he resolved to provide for the interest on the whole. The sum, then, necessary for paying the interest on the loan, and the whole of the above debt, would amount to something more than 900,000*l.* and if the taxes which he had to propose, should produce the sums at which he rated them, there would be a surplus in favour of the public, of somewhat more than 30,000*l.* These taxes were one halfpenny per pound on candles; half-a-crown per thousand on bricks; from three to thirty shillings per thousand on tiles; ten shillings on every pleasure horse; two guineas on every race horse; a small tax on ribands and gauzes; licenses for retailing excisable liquors; qualifications for shooting; paper; hackney-coaches; silver and gold plate; lead exported; increase of postage of letters; and regulations of franking. A tax

was proposed on coals, but rejected. The other taxes passed with little opposition.

Mr. Pitt, when he proposed these taxes, declared, that he had studiously endeavoured to do what he held to be the indispensable duty of every person who stood in his situation—to disguise nothing from the public which affected their real interest, but to lay every particular of such description before them; and, however great the personal risk and inconvenience, however great the danger of incurring popular odium, by proposing heavy burthens on the people, might be, not to shrink from that painful part of duty, if such burthens were, by the exigency of affairs, necessary to be imposed.—No minister, assuredly, ever entertained more just notions of his duty, and none ever discharged it more firmly, or more conscientiously. Mr. Pitt having thus attended, as far as the time would admit, to every subject recommended to the notice of Parliament, in the speech from the Throne at the opening of the session, and having provided for every exigency, had leisure to turn his mind to those farther projects of improvement, which he had still in contemplation. Before, however, the parliament was prorogued, Mr. Dundas brought forward a motion for the restoration of the estates forfeited in Scotland, in consequence of the rebellion of

1745. The object of this motion was to relieve a body of men, whose loyalty was unimpeached, from the penalties attached to the disloyalty of their ancestors; or, to speak with greater accuracy, to the *misguided loyalty* of their ancestors. For the unhappy noblemen and gentry, who had joined the standard of prince Charles, in the year 1745, acted from a principle of rooted attachment to the family of a king whom they had ever considered to be their lawful sovereign, and their sworn allegiance to whom they did not think that either his misconduct, or any earthly power, could compel them to transfer, or even justify them in transferring, to another. However mistaken, therefore, the *application* of the principle might be, the principle itself was entitled to respect; and the example which state policy, if not state necessity, required, being once made, there could be no good reason for extending it to the successors of the suffering nobles and gentry. Mr. Dundas, therefore, very properly enlarged on the wisdom and the justice of the principles, which were so self-evident as not to require, for their support, the opinion of a Chatham, which he adduced in their favour. It enabled him, however, to pay a merited compliment to the son of that statesman: he said, he drew an auspicious omen from the reflection, that the first blow had been given to the proscription by

the Earl of Chatham; and he trusted, that the remains of a system, which, whether dictated at first by narrow views, or by sound policy, ought certainly to be temporary, would be completely annihilated under the administration of his son.

He pronounced a warm panegyric on the persons whose cause he had undertaken to plead. He observed, that many of them had distinguished themselves in the late war; and that there was scarcely a family among them, which had not atoned, with their blood, for the errors of their ancestors. He asserted, with equal confidence and truth, that the spirit which had rendered the inhabitants of the highlands disaffected to the then existing government, had long since disappeared, and that the King had not, in the whole extent of his dominions, more loyal subjects. As such it would be magnanimous to treat them, and to cancel for ever the offences of their fathers. Nor would the proceeding be more liberal than politic; since its effect would be to prevent the increasing emigration of the highlanders, which nothing could do, but the return of their long-lost lords, for whom they felt unabated affection and reverence.

In the Commons, the justice and policy of the measure was so generally felt, as to preclude

all opposition; but, in the Lords, it was opposed by the chancellor, Thurlow, as impolitic and partial. It was impolitic, he said, as far as it rendered nugatory the settled maxim of the British constitution,—that treason was a crime of so deep a dye, that nothing was adequate to its punishment, but the total eradication of the person, the name, and the family, out of the society which he had attempted to hurt. This was the wisdom, he said, of former times; but if a more enlightened age chose to relax from the established severity, he thought it ought to be done with gravity and reflection. That *every* legislative measure should be discussed with gravity, and not adopted without reflection, is a position that cannot be denied. But his lordship's argument, though good in itself, was bad in its application; and to assert that the granting the indulgence in question, would be to render nugatory the settled maxim of the British constitution, respecting the heinousness of the crime of treason, was the same thing as to maintain, that the adoption of an exception to a rule, was tantamount to the destruction of the rule itself.—The case in point differed essentially from all other cases of treason; and those who made laws against treason, could never have had such a case in contemplation. There is a sub

stantial, and a radical difference between the man who is a traitor from persevering loyalty to the Prince to whom he has sworn allegiance, and the wretch who seeks to depose his lawful sovereign, in order to destroy the constitution, of which he is the guardian and the head, or to place a foreign usurper on his throne. But lord Thurlow affected singularity in his opinions and actions; and to that affectation, rather than to the conviction of his mind, is his opposition, in the present instance, most probably, to be ascribed. His argument, however, on the ground of partiality, had more weight and solidity in it. He observed, that the estates forfeited in 1715, and which were forfeited upon the same grounds and principles as those in 1745, were passed over in silence, whilst even a person attainted in 1690 was included in the provision. But his opposition did not avail, for the bill passed the lords, and received the royal assent.

On the twentieth of August, the King put an end to the session, by a speech from the throne, in which his Majesty expressed his approbation of the past proceedings of his Parliament, lamented the necessity which had existed, for the imposition of additional burthens on his people, and recommended to the attention of both Houses, many important

objects of trade and commerce, which would be submitted to them after the recess; when, he trusted, such regulations would be framed, after a full investigation, as would be found best calculated to promote the wealth and prosperity of all parts of the empire.

CHAP. V.

Attention of the British government directed to continental affairs—State of the continent—Projects of Reform entertained by Joseph, emperor of Germany—Reflections on those projects—His infraction of the Barrier Treaty—Impolicy of that measure—The Pope arrives at Vienna—His vain attempts to dissuade the Emperor from the execution of his plans for the plunder of the church—Mirabeau's sentiments on these plans—Domestic dissentions in Holland—Fury of the republican faction—Resignation of the duke of Brunswick—Jealousy of Prussia—Insidious conduct of France—Claims of the emperor upon Holland—Negotiations at Brussels—Acts of hostility committed on the Dutch by the Imperial troops—Attempt to force the passage of the Scheldt, resisted by the Dutch—Emperor supported by the empress of Russia—The Empress's letter to the king of Prussia—Cautious conduct of the British ministry—Parliament meets—The King's speech—Decision on the Westminster scrutiny—Difference between the Court of Directors of the East-India Company, and the Board of Controul—Discussions in Parliament relative thereto—Mr. Pitt's motion for a Parliamentary Reform—

Developement of his plan—Reflections on the same—The Danger of a recurrence to first principles—Considerations on the qualifications of Voters and of Representatives to a part of the plan—Mr. Fox's objections examined—Mr. Pitt's character as a Reformer, delineated — Comparative abilities of Mr. Pitt and Mr. Fox—Motion rejected—Dr. Paley's notions of Parliamentary Reform examined, and some of them censured—Mr. Fox's motion for a committee to investigate the financial statements of Mr. Pitt—negatived—Mr. Francis's motion for a committee for examining the affairs of the East-India Company—supported by Mr. Fox—Mr. Pitt's answer to Mr. Fox, and statement of curious facts, relative to Mr. Fox's India bill—motion rejected—Financial state of the country—The Budget—Commissioners appointed for examining the Fees, &c. taken in public offices.

[1784.] During the parliamentary recess, the attention of the British government, which had so long been limited to the concerns of their own territory, was directed to the critical state of the continent, where a rupture between the principal powers seemed to be fast approaching. The Imperial Throne of Germany was, at this time, filled by Joseph the second, a well-intentioned, but feeble monarch, earnestly intent on religious, political, and military reforms, without abilities to devise the proper means for carrying them into execution, and without judgment to perceive either the obstacles which he would have to encounter, or the remote consequences to

which his measures would lead. As many of his schemes of innovation trenched deeply on long-established privileges, militated against popular opinions, opposed public prejudices, destroyed national customs, and abolished constitutions, deemed sacred in their origin, and respectable from their antiquity, they excited great discontents. Severity of punishment, however, was employed to intimidate those whom argument could not convince; and, possessed of absolute power, he reduced, for the present, the opposition to his plans, to anonymous sarcasms, and private lampoons. But his intentions, in most respects, were laudable, and some of his designs were of a beneficial tendency. It was the chief object of his ecclesiastical innovations, to exempt the clergy of his dominions from the usurped influence and authority of the court of Rome;—he intended also to suppress all monastic institutions. This latter measure required the greatest caution; it should have been effected by a slow and gradual process, not by a sudden and violent exertion of power: the inhabitants of these cloisters should have been allowed to leave them, or to remain at their pleasure; while the reception of more novices, and the admission of more monks and nuns, might have been peremptorily prohibited under the severest penalties. But it was foreign from

the disposition of this prince, to act with the prudence, caution, circumspection, and foresight which are indispensably necessary to the successful accomplishment of any great enterprize. Besides, his known intention of appropriating the revenues of the convents, to his own use, led the public to entertain no very favourable opinion of his motives.

In the year 1781, he had made the tour of Holland, the low countries, and France, not for mere pleasure, but for the purpose of political observation. Holland, on which his eye was principally cast, had been thrown, by the war, into a state of disorder and weakness, which shewed, beneath a semblance of wealth and prosperity, an utter incapacity for any great and vigorous effort. Party spirit raged with great fury in the heart ot the republic; the remains of the old Lovestein, or republican faction, entertained great jealousy of the Stadtholder, which was secretly fomented by the French, who considered the Stadtholderian, or Orange party, as friendly to England, and, consequently, as inimical to them. Hence the whole country was divided between the two parties, each intent on humbling the other, and both inattentive to the real interests of the state. A nation thus harassed by foreign war, and domestic dissentions, did not present a very imposing spectacle

to a Prince who wished either to invade her rights, or to assert his own at her expense.

The frontier towns of the Austrian Netherlands had, ever since the succession war, been garrisoned by Dutch troops, for the more effectual security of the low countries, and, consequently, of Holland, against the ambitious views, and great military power of the French. Experience had sufficiently proved the wisdom of this precaution, to which alone the House of Austria, had been indebted for the preservation of the Netherlands, which, at certain periods of difficulty and distress, she could not possibly have prevented from falling into the hands of her enemies. Pride, however, subdued, in the mind of Joseph, the suggestions of interest, and conceiving himself sufficiently powerful to check the progress of an enemy, without the aid of fortified towns, he dismissed all the Dutch garrisons, in violation of the barrier treaty, destroyed the fortifications, and thus laid open his dominions to the first invader.—On his visit to Antwerp, he went up the Scheldt in a boat, until he arrived at the first of the Dutch forts, which had been erected for the purpose of guarding the passage, and of securing to Holland the exclusive navigation of that river;—and the anxiety which, on all occasions, he evinced to become a commercial and maritime power, left

no doubt on the minds of attentive observers, that the restoration of Antwerp to some portion, at least, of its former consequence, was an object which he had much at heart.—On his return to Vienna, he carried into execution some of his plans of reform, and meliorated the condition of the peasantry, in many parts of his dominions. He also, much to his honour, established a degree of religious toleration, till then unknown, sanctioned the liberty of the press, and endowed schools for the education of the children of soldiers.

Alarmed at the rapidity and extent of those innovations, which affected the rights, and injured the interests, of the papacy; the sovereign pontiff, Pius the sixth, resolved to remonstrate, in person, with this refractory son of the church. Early in the year 1782, the aged prelate arrived at Vienna, where, during a month's residence, he received all the honours and attentions which his station extorted, and which his virtues deserved. But the time was now past, when the thunders of the Vatican could silence the voice of Royalty; expostulations had succeeded to reproofs, and persuasions to threats. The Pope's eloquence proved ineffectual; his holiness returned to Rome, and the Emperor pursued his plans for the suppression of the convents, and the plunder of the church.

The sentiments of a celebrated French writer, on the conduct of Joseph, on this occasion, are eminently just, and deserve to be recorded. After reproving the monarch for the violent expulsion of the ecclesiastics, at a time when, according to him, reason was fast producing the very effect which he was so solicitous to accelerate, he speaks of the measure in the following terms: "I prefer a convent of nuns "to a regiment of soldiers. If the first oppose "the intentions of nature, they do not tear her "to pieces; if they violate their institution, it "is in order to perpetuate their species; whereas "the latter take an oath to destroy them upon "the first signal given by despotism. The internal revolutions which the emperor has "effected in his dominions have been greatly "applauded; but what a number of objections "might be brought against the eulogiums; at "least, the panegyrists of Joseph II. ought to tell "us what justice they find in driving a citizen "from the profession which he has embraced, "under the sanction of the laws. I will tell them "plainly, there is as much injustice in expelling "a friar, or a nun, from their retreat, as in "turning a private individual out of his house. "Despise the friars, as much as you will, but "do not persecute them; and, above all, do not "rob them, for we ought neither to persecute,

"nor rob any man, from the avowed atheist "down to the most credulous capuchin. One of "the greatest misfortunes attendant upon these "masters of the world is, that they always want "to make their subjects happy, (much happier, "say they, than they were) in their own way; "when it is sufficient only to order, to be obey-"ed, they are apt to lose themselves in a laby-"rinth of contradictions."*

Mirabeau, to be sure, was not a very impartial judge, on any question in which France might take the one side, and the House of Austria the other; for the inveterate enmity which had so long prevailed between the two powers, and which the means taken by the duc de Choiseul, under whose auspices the marriage between the Dauphin of France, and the archduchess of Austria, in 1770, was concluded, were totally inadequate to remove, descended to the subjects of either, and was constantly apparent in their conversation and writings. But the principle which he lays down, respecting the suppression of monastic institutions, and the consequent seizure of their revenues, is self-evidently just.

Meanwhile, the republican faction in Hol-

* Doubts concerning the free navigation of the Scheldt, &c. by the count de Mirabeau. English translation. Note to p. 160.

land had openly manifested their enmity against the Orange party; and, as the best means of displaying their hatred of the Stadtholder, and at the same time of promoting their own seditious views, they resolved to attack his favourite, Prince Lewis, Duke of Brunswick Wolfenbuttle, and field-marshal of the Dutch forces; who, having been guardian to the prince of Orange, a trust which he had discharged with exemplary fidelity, had obtained the friendship and confidence of his former pupil. The Duke was long the object of the most inveterate attacks, and the most unfounded calumny, incessantly directed against him by the leaders of the faction, who accused him of being the sole adviser of all those measures which had reduced their country to its present degraded state. Though he treated with sovereign contempt the reproach and abuse which these disaffected partizans thus heaped upon him, his regard for the Stadtholder led him to adopt the only measure, which, in his apprehension, could restore peace to his government. He sent his resignation to the States General, in a letter, written in a manly and dignified style, referring them to his past services, during the long period of two and thirty years, and reminding them of their injustice, in neglecting to afford him an opportunity of vindicating his character against the aspersions of his enemies.

By this conduct, the republic deprived itself of the advantage of the best talents, and the greatest experience which it contained; and that at a period when it stood in the greatest need of them; and the best interests of the state were sacrificed to a base spirit of faction. Prussia, on the one hand, viewed these revolutionary proceedings with extreme jealousy; and, actuated as well by the ties of affinity, which bound her to protect the Stadtholder, as by political motives respecting the security of her own dominions, she resolved not to remain long a passive spectator of such scenes as, she justly conceived, were pregnant with serious danger. France, on the other hand, by whose influence Holland had been engaged in the war, and who had gained an ascendancy over the republican faction, rejoiced in the threatened storm, which she secretly fomented by her intrigues, and which she declared her readiness, in case of necessity, to support by her arms.

The emperor of Germany, resolved to profit by this peculiar situation of affairs, preferred various claims upon portions of the Dutch territories, on the frontiers of the Austrian Netherlands, which he supported by pretexts, certainly specious and plausible; and, some of them, not wholly without solidity. The most important of all, were his claims on the city and county

of Maestricht, the free navigation of the Scheldt from Antwerp to the sea, and a free and uninterrupted commerce with the factories of Holland, in the East and West Indies. The first of these claims rested upon asserted rights, which had long remained dormant, and was resisted on the ground of long possession, sanctioned by repeated treaties;—the second had nothing but the vague principle of *natural rights*, which *power* may assert, but which *reason* will never *discuss*; and the last had no foundation whatever, but the consciousness of ability to enforce it in the prince who advanced it.—The States General, unable to resist the power of Austria, made a virtue of necessity, adopted conciliatory language, and sent plenipotentiaries to Brussels, in the month of April, 1784, vested with the necessary powers for the adjustment of all subsisting differences.

The Emperor, however, had no intention to lose time, in what he considered to be fruitless negotiations; conscious of his power, he was determined to enforce the claim which he had ventured to assert; and the very night after the arrival of the Dutch plenipotentiaries was fixed upon for the commencement of hostilities. A small party of Austrian infantry entered the Dutch territory, and seized the dismantled fort of Old Lillo, apparently for no other purpose

than to remove all doubt as to the reality of his intentions. And, in a week after, while the negotiations were going on, a detachment of Austrian dragoons advanced to Hartog Eyk, near Heerle, demolished the barriers, pulled down the Dutch flag from the Custom House, and charged the receiver, who was stationed there, in the name of his Imperial Majesty, to execute no orders, in future, from the regency of Heerle, nor to receive any toll or duty whatever, under pain of being sent, bound hand and foot, to the next Austrian garrison.

These acts of hostility spread consternation and alarm throughout the United States. Hasty means were adopted for putting the frontier towns in a state of defence. The garrison of Maestricht was reinforced, and troops were every where put in motion. But even now, when the very existence of the republic seemed to be at stake, so little real patriotism did these boastful republicans possess, that their minds were more intent on promoting the interests of party, than on providing for the safety of the country; more occupied with projects of resistance to the stadtholder, than with means of defence against the common enemy. Instead of relying on their own efforts, they meanly solicited foreign assistance; and depended more on the promised mediation of the French king, than on

the display of Dutch courage, for preserving the republic from ruin.

At this time a very close connection subsisted between the two imperial courts of Petersburgh and Vienna, and the empress Catharine, fearing that the king of Prussia would interpose to thwart the designs of her ally, wrote a letter to that monarch, in which she observed, that the Dutch had recourse to all sorts of intrigues, in order to induce his Majesty to take a part in the approaching war between them and the emperor, whose claims she described as equally just and moderate. Nature, herself, had granted to the Austrian low countries, the use and advantage of the river in dispute—the Scheldt. Austria alone, by virtue of the law of nature, and of nations, was entitled to an exclusive right to the use of it, and nothing but the equity and disinterestedness of the Emperor could impart that right to others. The avidity of the Dutch, she said, and the judgment which they permitted themselves to assume, on account of the treaty of Münster, over the house of Austria, were notorious, and blameable in every respect. But the most decisive argument which her Imperial Majesty employed on this occasion, was her declaration that she was firmly resolved to assist the Emperor's pretensions, with all her land and

sea forces, with as much efficacy as if the welfare of her own empire were at stake.

It was, probably, the certainty of this powerful support that induced the emperor to act with so much decision, and with so little regard to justice. As if he had not already sufficiently manifested his hostile disposition, he ordered two imperial boats to proceed, the one down the Scheldt to the sea, from Antwerp, and the other up that river, from the sea. The first of these was stopped, as usual, by a Dutch cutter, the captain of which intreated the commander of the Imperial vessel to return, and, on his refusal, enforced his request with a broadside. The other vessel experienced a similar impediment; and this defence of their rights, on the part of the Dutch, was considered by the Emperor as an act of unjustifiable violence, and as a virtual declaration of war.

The negotiations had hitherto continued at Brussels, the Emperor rising in his demands in proportion to the spirit of concession displayed by the Dutch; but they were now suddenly broken off; the Imperial Ambassador was recalled from the Hague; and, as the winter approached, preparations for hostilities were seriously made by both parties; while it seemed probable, from the actual situation of affairs, that, in the ensuing spring, the whole Conti-

nent would become the scene of war; and that Russia and Austria would take the field, in opposition to France, Holland, and Prussia.

The British government were attentive to the designs and the movements of the continental powers; but it being the interest of their country not to favour the views of any one of them, they took no immediate steps, nor suffered their intentions to transpire. They wished to save Holland from the projected attacks of the Emperor; but they also wished to detach her from her alliance with France; and, consequently, to prevent France from having any share in preserving her from ruin. The greatest caution and circumspection, therefore, was necessary to be observed; and all that could be done for the present was, vigilantly to watch the course of events, and promptly to seize every favourable circumstance that might occur. Meantime, the nation began to recover, with surprising rapidity, from the effects of the late disastrous war: commerce reverted to her ancient channels; trade increased, and peace was attended with her best associates,—prosperity and happiness.

[1785.] On the 25th day of February, the Parliament met, and the first object recommended to their attention by the King, in his speech, was the final arrangement of a commer-

cial intercourse with Ireland. The success of the measures adopted in the last session, for the suppression of smuggling, was urged as a reason for continued application to an object of such primary importance; and economical regulations, in the different offices, were stated to be necessary, in consequence of the report of the commissioners of public accounts. The motions for the address, in either House, experienced but little opposition, and produced nothing worthy of historical record. Soon after Parliament met, a long discussion took place on the Westminster election, which had before occupied the attention of the House. Lord Hood and Mr. Fox had been declared to have a majority of votes at the close of the poll; but Sir Cecil Wray, the third candidate, having demanded a scrutiny, it was granted, and, consequently, no return was made to the writ. Mr. Fox and his friends applied to the House, to order the high bailiff to make a return, on the ground that the scrutiny was not legal, and that, if there were any grounds for believing that he had not a lawful majority of votes, the unsuccessful candidate ought to petition the House, and subject the matter of complaint to a committee, according to the Grenville act, which was the only proper tribunal for the decision of such a matter. The House, however, thought

otherwise; and, after repeated discussions, had instructed the returning officer to continue the scrutiny. But as it had continued for a considerable time, without having produced any material difference in the state of the poll, the House, at length, ordered the return to be made, and Lord Hood, and Mr. Fox, accordingly took their seats. By this decision, however, they sacrificed principle to expediency, for if they were right in issuing their first order, the scrutiny was a legal process, and they must have been wrong in their last order to discontinue it, before the object for which it was instituted had been accomplished.

A misunderstanding having arisen as to the extent of the powers vested in the board of controul for the affairs of India, the question was brought before both Houses, in the month of February.—It originated in this circumstance: Both in Mr. Fox's bill, and Mr. Pitt's, provisions had been made for investigating and settling the debts of the nabob of Arcot. The court of directors was ordered to investigate them, by the last act, "*As far as the materials they are in possession of shall enable them to do;*" and it is enacted, "*that they shall give such orders to their presidencies, and servants abroad, for completing the investigation thereof, as the nature of the case shall require, and for establishing, in con-*

cert with the said nabob, such funds, for the discharge of those debts which shall appear to be justly due, according to their respective rights of priority, as shall be consistent with the rights of the said united company, the security of the creditors, and the honour and dignity of the said nabob."

In obedience to these instructions, the court of directors prepared orders to be sent to their servants at Madras, for entering into a more complete investigation than had hitherto been made, of the debts of the nabob. But these orders were rejected by the board of controul, to which they were communicated, and fresh instructions were sent out in their stead, in which the claims of the nabob's creditors were, with few exceptions, confirmed, their order of payment settled, and a fund for their discharge assigned out of the revenues of the Carnatic. These regulations were read at a public meeting of the nabob's creditors in London; and, in consequence of this proceeding, a discussion took place in the House of Lords, on the 18th, when Lord Carlisle moved for the production of the original orders made by the court of directors: after a short debate, however, in which Lord Loughborough took occasion to reprobate the conduct of the board of controul, which the lord chancellor defended, the House rejected the motion, as urged on improper grounds,

and as having no definite object. The same matter was brought before the House of Commons, ten days after, by Mr. Fox, where it underwent a much more ample discussion. The conduct of the board was defended by Mr. Dundas, on the ground of its rigid conformity to the letter and spirit of the statutes, which, by a specific clause, enabled the board to originate orders in cases of urgent necessity, and to direct their transmission to India. The orders in question had not been given without the most careful and close investigation of the subject. The papers, already in possession of the court of directors, gave them as full information of the nature of the nabob's debts, as they could possibly expect to receive; therefore, the orders to their servants for farther information, was perfectly unnecessary. These papers had been examined by the court, and submitted to the board of controul, which had made such an arrangement, as was the most fair and just to all parties.

Mr. Dundas then entered into an explanation of the debts, and was answered by Mr. Burke, who, in a strain of uncommon eloquence, entered into a long detail of Indian affairs, and drew a highly-finished, and most gloomy, picture of the state of that country. He represented that the debts, which had been so much decreased,

arose from a collusion between the nabob himself, and certain servants of the company, who had been guilty of every species of fraud, oppression, and cruelty. The enquiry proceeded no farther, being stopped by the decision of a considerable majority of the House.

Mr. Pitt, still intent on his views of Parliamentary reform, resolved once more to submit them to the consideration of the House of Commons; and, having given previous notice of his intention, he fixed on the eighteenth of April for the day of discussion. Before he unfolded his present plan to the House, he made some general observations on reform itself, and on the different notions which prevailed respecting it; some thinking that, in our system of representation, we had already attained, that is as far as is attainable by human knowledge or address, the summit of perfection; others, admitting the inperfection of the existing system, arising out of corruptions which the hand of time, and fortuitous circumstances, had produced, but dreading all innovations, lest, when we had once begun, we should go greatly beyond the original intention, and know not where to stop. For these last, Mr. Pitt professed great respect, though he considered the former as entitled to none. His was no loose, vague, indefinite plan of reform; but one which had been maturely

considered, weighed, and digested, with defined limits, and specific objects, not deviating from, but founded upon, the principles of the constitution, and calculated to give them a more complete and beneficial effect.

Mr. Pitt described the House of Commons to be an assembly, freely elected, between whom, and the mass of the people, there was the closest union, and most perfect sympathy. Such a House it was the purpose of the constitution originally to erect, and such a House it was the wish of every rational reformer now to establish. Those who went farther—those who entertained ideas of individual representation, deluded themselves with impossibilities, and sought to divert the public from that sober and practicable path in which they might travel with safety and ease, to launch them into a boundless ocean, where they had no pilot to direct, and no star to guide them.

There is an extreme danger in recurring to first principles, in an endeavour to reform such an institution as a British House of Commons. The original intention respecting the constitution of that assembly is too well known to be a subject for speculation or doubt, although, in discussions of this nature, in modern times, it is always either falsely represented, or studiously kept out of sight. The able investigation which

it underwent at the latter end of the seventeenth century, in that controversy, in which Petit and Braddy bore the principal part, served to place it in a proper point of view, and to render it comprehensible by the plainest understanding. Without entering into a long detail of facts, or into a needless specification of dates, it is sufficient to state that, anciently, the *right*, or rather the *duty* of sending members to Parliament, was considered as a *burthen*, and not as a *privilege*.—That the members who were sent to Parliament did not expend money to procure their seats, but *exacted wages* for the expense and trouble of holding them; that the qualification of a *voter* was equal, *in effect*, to at least *twenty pounds a year*; and that of a *candidate*, if for a borough, equal, in *effect*, to *three thousand a year*; and, if for a county, equal, in *effect*, to six thousand a year. Let any one contemplate, for a moment, an assembly *so* constituted, according to the original intention, and then turn his thoughts to the House of Commons, as it at present exists, and as it has existed for more than a century, and he will immediately perceive the inutility, if not the folly, of a recurrence to first principles, with any view to a practical reform. It were, indeed, much to be wished, that in a representation, of which the leading principle is *property*, and not *population*, such

changes might, from time to time, take place in the amount of the qualifications, as would render them, in some degree, conducive to the purpose for which they were originally required. Such a change has taken place in the qualification for a magistrate, which has been raised from twenty to one hundred pounds a year, and it is not easy to imagine any valid reason for not extending it to members of Parliament, whose qualifications, from the great depreciation of money, and still more from the facility with which the law respecting them is evaded, have become mere matters of form, without the smallest relation to the motives in which they originated. But it has formed no part of any of the plans of our modern reformers of Parliament, to supply a remedy for this evil, which has thrown more weight into the democratic scale, than has been added to the regal power by the increased expenditure, and enlarged establishments of the country.

It was contended by Mr. Pitt, as one of the most indisputable doctrines of antiquity, that the state of representation was to be changed with the change of circumstances, and that without such change it could not be made to answer the original purpose of its establishment. He limited, however, the application of this principle, (which might, indeed, be carried

to a great extent) to a justification of his own conduct, in proposing a plan of reform. He had recourse to another very ingenious argument, urged with a view to shew that the practice had been conformable with the principle.

Of the Boroughs which used formerly to send members to Parliament, seventy-two had been disfranchised; in other words, the Crown had ceased to summon them, at general elections, to return burgesses to the House of Commons. After the restoration, however, thirty-six of them were restored to their functions, on a petition presented to Parliament for that purpose. But the other thirty-six, not having presented any petition, had not recovered their lost franchises. Hence, he concluded that, considering the restoration of the former, and the continued deprivation of the latter, the spirit of the constitution had been grossly violated, if it were true (but which he denied) that the extension of the elective franchise to one set of boroughs, and the resumption of it from others, was a violation of the constitution. For if the members could not, originally, have been constitutionally increased, so they could not have been constitutionally diminished. But having been once diminished, their restoration might, by some, be considered as an innovation; and if the Parliament had any authority to restore the

franchise, the principle of restoration ought to have been extended to the seventy-two boroughs, and not confined to one half of them. Here, then, it appeared manifest, that the whole was governed by a principle which militated directly against the modern doctrines,—that to do what had been constantly done for ages, by the wisest of our ancestors, was to innovate upon the constitution. The seventy-two boroughs in question had discontinued to return members, because they had fallen to decay; thirty-six of them afterwards recovered their franchise, when they recovered their former wealth and population; but the other thirty-six, not having renewed their former vigour and consequence in the state, remained, to that day, deprived of the franchise which had been taken from them, when they lost the wealth and population, on account of which they had originally obtained it.

He then asked why there was a greater objection to any change in the representation of certain boroughs at that time, than there had been in former periods? why they were more sacred then, than the six-and-thirty boroughs which had been disfranchised, and which no longer enjoyed any share in the representation of the country? He insisted that, on the same principle upon which these boroughs had been

disfranchised, and part of them restored to their franchise, similar alterations might now be adopted, in respect of any existing boroughs. The principle of improvement had been recognized as flowing out of the constitution itself; it had been reduced to practice; the beneficial effects of it had been acknowledged; and objections to it, therefore, on constitutional grounds, could not, for a moment, be maintained. Mr. Pitt said, he would leave it to the world to judge, which of the two was most anxious for the preservation of the original principle of the constitution,—he who was for maintaining the exterior and name of representation when the substance was gone, or he who, preferring the substance and reality of representation to the name and exterior, was solicitous to change its seat from one part of the country to another, as one place might flourish, and another decay? It was his idea, that if they could deduce good principles from theory, and apply them to practice, it was their duty to do so. It was then the theory, and it had been the practice, in all times, to adapt the representation to the state of the country; and this was exactly what it was his intention to recommend to the House.

He continued to press these, and similar arguments, for some time, with great force and acuteness; and they were, certainly, arguments

too powerful and too pointed, to be easily resisted or evaded. After he had pursued this train of reasoning, on the principle of his plan, as long as he thought necessary, he proceeded to unfold the plan itself to the House. It proposed to transfer the right of electing members, for six-and-thirty decayed boroughs, (the number of houses to be the criterion by which it was to be decided whether they were decayed or not) to the counties; by which the latter would return seventy-two members, in addition to those which they already returned. But he disclaimed all intention of having recourse to compulsion for the purpose of accomplishing his scheme. The decayed boroughs were only to be disfranchised, on their own application to Parliament for that purpose; and he proposed, that Parliament should provide a fund for the indemnification of persons who had a beneficial interest in such boroughs, to be proportioned to the nature and extent of such interest. He also proposed to extend the right of voting to copyholders. By the second part of his plan it was provided, that after the full and final operation of the first proposition,—that is, after the extinction of thirty-six boroughs, and the transfer of their members to the county representation, if there still should remain any boroughs so small and so decayed, as to fall within the

size to be fixed on by Parliament, such boroughs should have the power to surrender their franchise for an adequate consideration, and that the right of sending the members to Parliament, should be transferred to such populous and flourishing towns as might desire to enjoy such privilege; and that this rule should remain good, and operate in all future time, and be applied to such boroughs as, in the fluctuating state of a manufacturing and commercial kingdom, might fall into decay in one part of the country, and rise into condition in another. Mr. Pitt concluded with moving, "that leave be given to bring in a bill to amend the representation of the people of England in Parliament.

Such was this plan of Parliamentary reform, which, after the maturest deliberation, Mr. Pitt thought proper to propose to the House of Commons, and to recommend to the country; and, if it be examined, with coolness and impartiality, every previous prepossession being dismissed from the mind, it is apprehended that it will be found to contain nothing inimical to the spirit and principles of the British constitution; nothing resembling the wild chimerical notions of modern anarchists; nothing from which the sober and dispassionate friend of his country could derive the smallest ground for apprehension and alarm. This, at least, is the impression produced on our

mind, after the closest examination of the plan, and of the means proposed for carrying it into execution. It was not, however, so viewed by a majority of the House of Commons, who objected to it, on broad and general grounds. They urged that the people had not called for such an innovation; that the large towns to which it had been proposed to transfer the privilege of election, had not solicited such an indulgence; that if a bill of reform should be once introduced, the minds of men were so unsettled, and their opinions so various upon the subject, that it was impossible to say to what extent it would be carried; that what were called rotten boroughs were frequently represented by gentlemen who had the greatest stake in the country, and, consequently, were as much concerned in its welfare, and in that of the constitution, as any other species of representative, in whatever manner chosen, could be; and, lastly, that while no necessity for such a reform was proved to exist, and while the rights and liberties of the people were effectually secured under the present system of representation, it would be extremely unwise to change a certainty for an uncertainty; to risk the loss of an actual benefit, for the bare prospect of a precarious advantage. Mr. Fox, who approved and supported the motion, expressed his dislike of that part of the plan which pro-

vided for the *purchase* of decayed boroughs. And, indeed, if theory, and not practice, had been the ground of argument, or the admitted rule of conduct, the objection would have been unanswerable. Upon *principle*, it is as impossible to defend the sale of a right to return members to Parliament, as it would be to defend the practice of purchasing a seat in Parliament. Of the validity of this objection, Mr. Pitt must have been as fully aware as Mr. Fox himself; but he was not a theoretical reformer; he directed his efforts to obtain as much practical good as he could, with as little practical evil as possible. He did not go rashly to work, but duly considered the nature of his *materials*,—materials which he had not the power to select for himself, but which he was compelled to take as he found them; he could not, then, adapt his materials to his work, but was obliged to adapt his work to his materials: he knew what obstacles he would have to encounter from the resistance of prejudice, and from the opposition of interest; and he did not think it wise to risk the loss of his plan, by a rigid adherence to speculative opinions of purity and justice, however well founded they might be. He would have wished, indeed, to carry it by different means; but he did not, therefore, think himself justified in rejecting the only means by which

he could expect to carry it. In theoretical wisdom, as in some other respects, Mr. Fox was equal to his rival; but in practical wisdom Mr. Pitt was greatly his superior;—and wisdom, in a statesman, is to be appreciated by the effects of its application to purposes of practical utility.—The opponents of the motion exceeded its supporters by 74; and it was therefore lost, the division being—for it, 174, and against it 248.

The motives which induced the rejection of this plan appear to have been much the same with those of a modern writer, whose "Principles of moral and political philosophy," have been too loudly commended, and too hastily adopted, without a due examination of their basis, and without a proper regard to their consequences. The book in question, which it is foreign from the purpose of this history to analyze, contains many positions of a most questionable nature, some which are highly dangerous, and others which are utterly untenable. In allusion to the present subject of Parliamentary reform, Dr. Paley, who wildly considers *expediency* as the criterion by which *every* political question is to be decided, observes: "we consider it (representation) so far only as a right at all, as it conduces to public utility: that is, as it contributes to the establishment of good laws,

or as it secures to the people the just administration of those laws. These effects depend upon the disposition and abilities of the national counsellors: wherefore, if men the most likely, by their qualifications, to know and to promote the public interest, be actually returned to Parliament, it signifies little who returns them. If the properest persons be elected, what matters it by whom they are elected?" It may briefly be asked, without admitting the alleged basis of the right, whether the *disposition* of a member is not likely to be influenced by the means by which he has acquired his seat? And again, whether the electors of the county of Wilts are not more likely to elect such men as are properly qualified to promote the best interests of the state, than the electors of Old Sarum?—These are the true points for consideration.—Dr. Paley thus concludes his observations.—"At least no prudent statesman would subvert long established, or even settled rules of representation, without a prospect of procuring wiser or better representatives. This then being well observed, let us, before we seek to obtain any thing more, consider duly what we already have."—*This* is, unquestionably, the language of a wise man. The subversion of long established, or even settled rules, is a most dangerous experiment; but the improvement of a rule is very different from

the subversion of it; so different, indeed, that instead of promoting its destruction, it tends to prolong its existence.—"We have a House of Commons, composed of five hundred and forty-eight members, in which number are found the most considerable land-holders and merchants of the kingdom, the heads of the army, the navy, and the law; the occupiers of great offices in the state, together with many private individuals, eminent by their knowledge, eloquence, or activity."—If this were a true description of the House of Commons, the conclusion would be obvious enough: but is it so? or is not this rather a *petitio principii*,—the assumption of a disputed, or, at least, a disputable fact, as the ground of argument? The doctor should have put this point hypothetically, when, admitting his hypothesis, his inference would have been secured from attack; but having stated it categorically, he has exposed himself to contradiction. There can be no doubt that the House of Commons, as actually constituted, contains *some* of the different respectable classes of persons here described; but it is equally certain, that it contains many of an opposite description;—and whether or no this last class of persons would be excluded by any proposed plan of improvement, in the mode of representation, is a question well worthy of attention and discussion. Having, however, established his

position, the doctor thus pursues his argument: "Now, if the country be not safe in such hands, in whose may it confide its interests? If such a number of such men be liable to the influence of corrupt motives, what assembly of men will be secure from the same danger? Does any new scheme of representation promise to collect together more wisdom, or produce firmer integrity? In this view of the subject, and attending not to ideas of order and proportion, (of which many minds are much enamoured) but to known effects alone, we may discover just excuses for those points of the present representation which appear to a hasty observer most exceptionable and absurd."*

Mr. Pitt's new scheme certainly did tend to collect together more wisdom, and to produce a greater proportion of firm integrity. And, without being influenced by any *architectural* notions of *order* and *proportion*, which, applied to a system of *representation*, would be perfectly ridiculous, it may safely be contended, that no solid or justifiable inference can be drawn from known effects in favour of those decayed boroughs, which appear, not merely to superficial or hasty observers, but to men of sense and reflection, most exceptionable and absurd. It would, indeed, be insanity to subvert long estab-

* Paley's Principles of Moral and Political Philosophy, vol. II, p. 219.

lished institutions, in order to introduce any vague and indefinite plan of reform;—but subversion, it must be repeated, is not necessary for the purpose of *improvement*;—whatever exists, that is conformable with the fundamental principles of the system, may remain;—but excrescences, which time and fortuitous circumstances have produced, may be gradually removed, until they shall be totally eradicated; and the system, far from being injured by such an operation, will be meliorated, strengthened, and confirmed. It is not improbable, however, that Mr. Pitt, at a more advanced period of his political life, adopted the sentiments of Dr. Paley, since, as has been observed before, his sentiments on the subject of parliamentary reform underwent a material change. But, though it cannot be supposed, that such a change took place, but after the most mature consideration, and on grounds that were perfectly satisfactory to Mr. Pitt, still his arguments retain their original force; they must be tried by their own merits; and, it is apprehended, that whoever examines them with an attentive and impartial mind, will be led to acknowledge their validity.

The financial statements of Mr. Pitt had, at the time at which they were made, called forth many expressions of doubt, and many

symptoms of incredulity, from the members of opposition, who, after much previous consultation, determined to make them the subject of a particular discussion. And, accordingly, on the 29th of April, Mr. Fox moved that a committee should be appointed for the purpose of investigating them. This motion gave rise to a short debate, after which it was rejected by the House. In the following week, Mr. Francis moved for the appointment of another committee, to take into consideration the several lists and statements of the East-India company's establishments in India, which had been laid before the House during that year. Mr. Fox was very earnest in his support of the motion, and in his expressions of surprize at the opposition which it experienced. He represented the statement of the directors as having been framed for the purpose of delusion; taxed them with the commission of deliberate and systematic falshood; and stated their conduct to be in strict conformity with that of his majesty's ministers. At this last part of his speech, Mr. Fox observed Mr. Pitt and the master of the rolls to laugh, when, unable to repress his feelings, he said, he saw he was treated with personal indecency, by gentlemen whose indecency was a matter of mere indifference to him. He disregarded the incivility of such conduct,

and he should treat it with contempt. Mr. Pitt, in his answer, shrewdly observed, that, considering the extreme decorum which, at all times, distinguished the arguments of Mr. Fox, considering the coolness and moderation of his language, together with the measured propriety of his manner, he had certainly a very substantial ground of complaint, if any thing like disrespect and indecency were offered to him. For his own part, as it was far from his intention to be guilty of such a breach of good breeding, he was ready to do, on that occasion, what he had seldom done before, and what he believed he should seldom do in future, namely, to make him an apology. This he was the more willing to do, as it would afford him an opportunity of explaining to the House the nature of the alleged offence, and the cause which had given rise to it.

He had long admired the great abilities, and the surprising powers of argument and of eloquence with which that gentleman was so eminently endowed; but there were also other qualifications belonging to him, which had not escaped his wonder, in the general view and contemplation of his character. It was the display of some of those qualifications, during his late speech, which had given occasion to that conduct, for which the House had just then

heard him so severely censured. Mr. Fox, finding the question before them not applicable to any of his favourite purposes, had, with his usual ingenuity, and agreeably to his usual practice, contrived to introduce another subject, better calculated to afford him an opportunity of gratifying his passions and resentments, and of giving vent to those violent and splenetic emotions, to which his present situation so naturally gave birth; a situation in which, to the torments of baffled hope, of wounded pride, and disappointed ambition, was added the mortifying reflection, that, to the improvident and intemperate use which he had made of his power and influence, while they lasted, he could alone attribute the cause of all those misfortunes, to which he was used so constantly, so pathetically, but so unsuccessfully, to solicit the compassion of the House. Feeling, as he did, for that gentleman, he declared, that he should think it highly unbecoming in him to consider any of his transports, any of these ecstasies, of a mind labouring under the aggravated load of disappointment and self-upbraiding, which at present were his lot, as objects of any other emotion, in his mind, than that of pity, certainly not of resentment, nor even of contempt.

What the particular countenance was,

which had given so much uneasiness to Mr. Fox, he could not well explain to the House; but he remembered, at the time, that it proceeded from no other impulse of his mind, than that of surprise, at the singular adroitness with which he found a dry and insipid question of accounts converted into a subject for such sublime and spirited declamation, as that with which the House had just then been entertained; and he could not but think, that, considering all circumstances, there was great judgment in the change which the Right Honourable Gentleman had made, as so much better adapted to his purposes, his talents, and his information.

Pursuing this strain of irony, Mr. Pitt expressed his wish that Mr. Fox's present attack upon the credit of the East India Company might be productive of the same consequences which had followed all his late attacks on the public credit of the nation, namely, a great and rapid increase in the value of the stocks. When he considered the latitude which he (Mr. Fox) had allowed himself, in the use of his expressions, and compared it with his extraordinary sensibility, to a silent, and almost imperceptible, relaxation of features, he was inclined to suppose, that he meant to maintain the doctrine, that a silent spectator ought to endeavour, by

all possible means, to avoid even a look that might give offence, while he that was speaking had a right to consider himself as absolved from all the restraints of moderation, good manners, or even of common decency.

Mr. Pitt then adverted to the motion, and observed, that there could be only two grounds for the appointment of a committee; either with a view to found, on their report, some criminal charge against the Directors; or the gratification of an idle curiosity. As to the former, it was totally out of the question; for the calculations, which were deemed delusive, had not been made on any existing grounds, but on future contingencies. The conclusion of a peace, at a given period, was the assumed *datum* on which they had proceeded; and that not having taken place, their disbursements were necessarily increased, their resources diminished, and their calculations were, of course, erroneous. The inquiry he considered as calculated to give much unnecessary trouble, and to anwer no one purpose of public utility; and on this ground he resisted it.

In the course of his speech, Mr. Pitt took occasion to advert to Mr. Fox's India bill, which afforded very strong ground for a motion, founded on a wish for the gratification of curiosity; and, in his remarks on it, mentioned

some curious facts, which had not before been the subject of public notice. When it was considered, he said, to what a surprising extent the bold and aspiring authors of that plan had endeavoured to carry it; that it embraced the whole of the executive government, the whole of the patronage, and, in short, every political function of the Company, and transferred them all to the Right Honourable Gentleman, in such a manner, as to have secured to himself and his friends, a power over this country, as well as over India, which should have continued to last until, by a few more such experiments on both countries, they had rendered either no longer worth the holding;—when it was considered, that it had been complained of, that one source of the calamities of the Company proceeded from the too great influence of patronage, and the abuses to which it had been made instrumental, and yet, that, to cure these abuses, that very influence from which they sprung, was to be increased to such an extent, and modelled in such a manner, as to leave no hope of its not being used for much more dangerous purposes than any yet known, except from the acknowledged immaculacy of the hallowed hands in which it was to be placed:—under such circumstances, he contended, a Parliamentary inquiry would have been a most

interesting and beneficial experiment. He had, in his hand, a list of the officers which that famous bill made removable at pleasure, a few of which he would mention to the House, in order that they might judge whether the universal opinion entertained at the time of the evils likely to result from the increase of patronage, and from the placing that patronage in dangerous hands, could be called, with any regard to the meaning of the word, a delusion. Here Mr. Pitt read, from the paper in his hand, the following list of places, besides the governors and council,—one of 25,000l. per annum; one of 15,000l.; five of 10,000l.; five of 9,000l.; one of 7,500l.; four of 5,000l.; twenty-three of 3,000l.; and so on, progressively, till he came to places of 1,000l.; which, he observed, were, in comparison with the others, so trifling, as scarcely to be worthy of notice.

The effect of such an immense patronage, in the hands of an ambitious and aspiring minister, who had avowed his opinion that the House of Commons had, and ought to have, a virtual and efficient controul over the choice of the King's servants, may very easily be conceived. False, and unconstitutional in its tendency as such an opinion was, the possession of this patronage would have given a wonderful facility, not only to its general adoption, but to the practical

assertion of it by the House; and the regal authority would have received a wound, from which it would, with difficulty, have recovered. —The motion of Mr. Francis was negatived by a majority of 116.

Towards the close of this session, Mr. Pitt entered into a general review of the financial state of the country, as a preparatory measure to the introduction of the budget for the year; for the arrears of the late expensive war rendered a still further supply necessary. In this statement he estimated the whole annual expenditure at £14,400,000; and proceeded to compare it with the annual income. As the ground of his calculation, he took the produce of the two quarters, ending the 5th of January, and the 5th of April, 1784, and the produce of those ending the 5th of January, and the 5th of April, 1785. The produce of the first of these quarters was £2,585,000; of the second, £2,198,000; of the third, £2,738,000; and of the fourth, £3,066,000. From this produce he deduced the probable amount of the yearly produce of the existing taxes, which he estimated at from £12,000,000 to £12,600,000. And, on another calculation, founded on the expectation of a progressive increase, but not as one on which much reliance ought to be placed, he made the probable yearly produce of

the taxes amount as high as fourteen millions and a half. The aggregate amount of the supplies, voted this year, was £9,737,868; but there was a deficiency of one million in the ways and means provided for them. This sum he proposed to borrow from the bank at 5 per cent. because the bank would advance the money as government called for it, and the interest was to be calculated only from the time when the different advances were made. But the most important operation of finance, at this moment, was the funding those many bills and ordnance debentures, which had been left unfunded on the winding up the accounts of the war in the last session; these Mr. Pitt proposed to fund, in the present year, although they amounted to ten millions and ten thousand pounds.

The interest of £6,000,000 of these bills, at four per cent. had been already provided for; so that only £300,000 would be necessary for the interest of the remainder; and this, together with £50,000, for the interest of the loan from the banks, and £40,000 to replace a repealed tax on callicoes, would make the whole sum wanted about £413,000. Mr. Pitt proposed funding in the 5 per cent. because, although the immediate loss to be incurred by such preference would be about £30,000,

yet, from the facility of paying off that stock, whenever such an event should take place, there would be an ultimate gain of nearly £3,000,000.

The taxes proposed for raising the sum of £413,000 were an additional duty on men servants; a tax on female servants; a tax on retail shops; an additional tax on post-horses; a tax upon gloves; and a tax on pawnbroker's licences. These were estimated to produce £422,000. There were also some other taxes adopted, (without any calculation of their produce) on game certificates; coach-makers' licences; on carriages; on the servants of bachelors; on attornies, and on warrants of attorney. Some opposition was made to the proposed tax on female servants, but the objections were overruled by the House, and all the taxes were agreed to.

In addition to the economical arrangements which Mr. Pitt had already promoted, in the different public offices, he now brought in a bill for "appointing commissioners to enquire into the fees, gratuities, perquisites, and emoluments, which are, or lately have been, received in the several public offices to be therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better con-

ducting and managing the business transacted in the said offices." The bill was opposed with great warmth, as being unnecessary, the Treasury being already in possession of the requisite power for instituting the proposed enquiries; and as being futile, from holding forth a prospect of reform, without the ability to realize it; on the other hand it was defended, on the ground that the objects it embraced were so numerous, as to require particular commissioners, while their number rendered their reform an object of consequence to the country. —These last arguments prevailed, and the bill passed into a law.

During this session, great progress was made in the arrangement of a new commercial intercourse between Great Britain and Ireland, which the relative situation of the two countries imperiously required. But the measures proposed, and the discussions to which they gave rise, must be reserved for another chapter.

CHAP. VI.

Retrospective view of the state of Ireland—Relative situation of the two countries, ill calculated for the preservation of harmony—Measures of the Irish Parliament—Volunteers of Ireland become a deliberative and political body—Reflections on their unconstitutional conduct—Conciliating measures of the English government—Legislative independence of the Irish Parliament acknowledged—The Irish Volunteers become clamourous for Parliamentary Reform—The subject introduced to Parliament, by Mr. Flood—Rejected—Declaration of the House of Commons—Address to the King—Violent proceedings of the armed Associations—Meeting of the Congress in Dublin—Prosecution of the Sheriff—Application of the Congress to Mr. Pitt—Mr. Pitt's answer—False views of Reform imputed to Mr. Pitt—System of commercial intercourse prepared by the British ministers—Resolutions, constituting its basis, submitted to, and adopted by, the Irish Parliament—Mr. Pitt opens the subject to the British House of Commons—Discussions thereon—Resolutions adopted—Amended resolutions brought forward by Mr. Pitt—Objections thereto—Passed by a great majority—System opposed by the British manufacturers—Favourable to the Irish—Great dissatisfaction of the Irish public at the proposed measures—A party anxious to promote a separation of the two kingdoms—Their motives explained—Debates on the commercial system in the Irish House

of Commons—Vehemently opposed by Messrs. Flood and Grattan—Supported by Messrs. Fitzgibbon, Hutchinson, and Foster—Small majority in favour of the measure—The plan given up—Remarkable speech of Mr. Curran.

[1785.] From the commencement of the reign of George the third, the state of Ireland had attracted the most serious attention of the British government, to which it had, occasionally, been a source of great apprehension and alarm. The relative situation of the two countries was, indeed, well calculated to engender dissentions, and to afford just grounds for mutual complaints: with distinct Parliaments, separate laws, and different governments, but united under one common sovereign, it might easily be conceived, that an opposition of interests would often occur; and that emulation, envy, and pride would prove the fertile parents of discontent. The distress produced by the American war, in the injury of our manufactures, in the limitation of our commerce, and in the great depreciation of landed property, had been extended to every part of the British dominions; and Ireland, from the nature of her situation, and the peculiar objects of her trade, would, probably, have been found to sustain more than her equal portion of the general loss, had there been any means of proportioning losses of that

description, to the population and resources of any particular country or district. With every disposition to afford relief to the sister kingdom, the government, under the inefficient administration of Lord North, had been deterred, by the clamours of the British manufacturers, from adopting such measures as were acknowledged to be necessary for the purpose. Popular clamour became louder and louder in Ireland: resolutions were entered into for the non-importation and non-consumption of British articles; and acts of violence and outrage were committed on those who had refused to enter into these associations, or to abide by their decision. The Parliament of Ireland betrayed a similar disposition, and evinced a similar spirit. They asserted their own independence, demanded a restoration of commercial freedom, and passed a mutiny act, which they had not done before, the mutiny act, passed by the British Parliament, having always extended, in its operation, to the army in Ireland. Some measures, which had been enforced for preventing the supply of our enemies with provisions from Ireland, had created great discontent, which was further increased by the obligation imposed on the Irish to import all the produce of the West Indies from England.

But, alarming as this spirit was, it was ren-

dered infinitely more formidable by a proceeding of a very different nature, to which it had given birth. In different parts of Ireland, the dread of an invasion was either the cause, or had been made the pretext, for the creation of a large body of volunteers, who professed to stand forth the champions of their country, ready to defend her from the attacks of her enemies. These men, to the amount of fifty or sixty thousand, embodied themselves, spontaneously, without any application for the consent of government, and without any legal authority. The government, however, wanted either the strength or the resolution, to resist such unconstitutional and most dangerous conduct; and, therefore, instead of suppressing these associations in their infancy, as it was their duty, under such circumstances, to do, they supplied them with arms, though not with a sufficient quantity for the whole body.

At the close of the year 1779, and early in the year of 1780, Lord North had brought bills into the British House of Commons, which passed into laws, for affording relief to the Irish, in the article of commercial restrictions. By these bills, many of the prohibitions which injured their trade were removed, and they were allowed to carry on a direct and free trade with the British colonies, in the West Indies, and

America; and with the British settlements on the coast of Africa. But though these measures were received with joy, they did not satisfy the Irish; other grounds for discontent were now brought forward, and the volunteers exhibited to the country the alarming spectacle of *an armed body of political reformers.* Delegates, from nearly every volunteer corps in Ireland, assembled for the discussion of political questions, and came to various resolutions. The moment soldiers become a *deliberative body*, there arises in a state a power superior to the law;—the constitution is exposed to the most imminent danger; and, unless efficient means be taken for crushing the many-headed monster in its birth, will speedily be destroyed;—the sceptre will then yield to the bayonet, and all the fruits of legislative wisdom will give place to the iron despotism of military rule. Resistance, however, to these illegal proceedings, was not even attempted; a plan of conciliation was preferred; and, in the year 1782, the declaratory act of George the second was repealed. In the following year, the British Parliament, by another statute, renounced all authority over Ireland, in matters both of legislation and jurisdiction; and thus the political independence of that country was completely established.

But, though the Irish had now obtained the

grand object of their declared wishes, the voice of discontent was still heard among them. And, although the conclusion of peace had deprived the armed associations of the pretext under which they had originally assembled, they not only refused to disband, but continued to hold political meetings, to deliberate and to resolve. They professed, at the present conjuncture, to limit their object to a reform in Parliament; they drew up a plan for this purpose,—one part of which was, that Parliaments, instead of being *septennial*, should be made *triennial*. The orator selected to plead their cause, in Parliament, was Mr. Flood, who moved the Irish House of Commons for leave to bring in a bill for carrying their plan into execution. But, by this time, the Irish Parliament had acquired a just sense of the danger of their situation; they, very properly, refused to discuss the merits of the proposed plan; and wisely contended, that the House could not possibly, without a gross violation of its trust, and an abdication of its authority, consent to receive propositions tendered to them at the point of the bayonet, by a body of armed men. That, however respectable they might be in other respects, yet, to suffer them to beset the House of Parliament with arms in their hands, would be to establish a precedent subversive of the very existence of

all order and government.—They went still farther, and, after rejecting the motion, by a division of 157 to 77, they resolved, "that it was now necessary to declare, that the House would support the rights and privileges of Parliament against all encroachments." They also presented an address to the King, jointly with the Lords, expressive of the happiness which they enjoyed under his majesty's government, and assuring him of their determination to support the present constitution with their lives and fortunes.

When these measures were reported to the armed convention, by Mr. Flood, the delegates resolved to present a counter-address to the King, in which they imputed their conduct to no wish for innovation, but to a desire to purify and uphold the constitution. And, in March 1784, Mr. Flood again brought forward his plan of reform in Parliament, which was rejected, as before. Enraged at their disappointment, the volunteers acquired additional courage from defeat; and they endeavoured to increase their numbers, by calling on the great body of the people to arm. At a large meeting, held in Dublin, another petition to the King was drawn up, complaining of grievances, and calling for redress; and it was determined to convene a general congress in the metropolis, to consist of deputies from every county and considerable

town in the kingdom. Thus was an *imperium in imperio* erected in the very seat of government, and a foundation laid for every species of anarchy and misrule.

In the month of July, 1784, another petition to the King, from the inhabitants of Belfast, of the same tenor with the Dublin petition, was forwarded to Mr. Pitt, who, they absurdly supposed, would favour their views, because he had himself proposed a plan of Parliamentary reform to the British Parliament. Mr. Pitt, however, convinced them of their mistake, by informing them, "that he had undoubtedly been, and still continued, a zealous friend to a reform in Parliament; but that he must beg leave to say, that he had been so on grounds very different from those adopted in their petition; that what was there proposed, he considered as tending to produce still greater evils than any of those which the friends of reform were desirous to remedy.*

Government were now seriously alarmed; they had lost sight of the wise maxim, *obsta principiis;* but they, at last, resolved to supply the defect of foresight by exertions of vigour.

* In Doddesley's Annual Register, for 1786, a work conducted with considerable ability, but with a marked partiality on Irish affairs, with an evident bias to a particular party, and with a strong propensity to encourage and support all the claims of the Romanists, Mr. Pitt is falsely asserted to have supported,

As the period approached for the intended congress at Dublin, the Attorney-general wrote to the Sheriffs, who had signed the summons for the meeting, to apprize them that they had been guilty of a gross breach of their duty, of which he should hold himself bound to take legal cognizance. The Sheriffs, in consequence, forbore to attend, but the meetings were holden; delegates were then chosen, and several violent resolutions adopted, expressive of their right to assemble, whenever they thought proper, for the redress of grievances. The Attorney-general put his threat in execution, and proceeded against Mr. Reilly, one of the Sheriffs, by *attachment* from the court of King's Bench—a process as old as the laws themselves. The charge against him was, for having summoned and presided at a meeting, for the appointment and instruction of delegates, on the 19th of August, 1784.—The assembly itself, and their

in England, "*the same measures*" of parliamentary reform, as were adopted by the volunteers of Ireland; and again, that the measures of the latter were "founded on principles which he (Mr. Pitt) had himself so often, and so ostentatiously, avowed." As the whole of Mr. Pitt's plan of reform has been already detailed, with equal minuteness and accuracy, it is needless to state, that *triennial Parliaments* constituted no part of it; and that it differed, very essentially, in many other respects, from the plan submitted to the Irish Parliament by Mr. Flood.

resolutions, were declared to be illegal; and Mr. Reilly was sentenced to pay a fine of five marks, and to be imprisoned a week. Other magistrates were proceeded against in a similar way, for similar offences; and the printers and publishers of the violent resolutions were also punished.

Undismayed by these proceedings, the congress met on the 25th of October, 1784; but, as many of the delegates did not attend, the meeting was adjourned to the second of January following, when they assembled to the number of two hundred and upwards. Another application to Parliament was now resolved on; on the 20th of April they held their final meeting; and on the 12th of May, Mr. Flood again submitted the subject to Parliament, when his motion was again rejected.

Meanwhile, the spirit of discontent was greatly increased by the distress of the people, who, having foolishly adopted the notion, that the acquisition of a free trade, and of political independence, would be productive of instantaneous plenty and opulence, grew outrageous, on discovering the fallacy of their ill-grounded expectations. The distress now experienced was owing, partly, to causes which affected both countries, generally, but still more to the idleness of the lower classes of Irish, and to the wild speculative, political, pursuits of the better

sort. Some measures were projected for increasing the home consumption of Irish manufactures, by the aid of protecting duties; but these were very wisely rejected by Parliament, who knew that the adoption of them would render similar means necessary in England, and, consequently, tend to increase the distress which they were intended to diminish. The people, however, regardless of the motives by which the Parliament were influenced, became outrageous at the failure of a plan, from which their sanguine minds had led them to expect the most beneficial consequences; and it was found necessary to call in the aid of the military to suppress the tumultuous assemblages of the mob in the metropolis.—As the press had very much contributed to inflame the public mind, and to fan the embers of discontent into a flame, Mr. Foster, in April, 1785, brought in a bill "for securing the liberty of the press, by preventing the publication of libels." This bill required every printer and proprietor of a newspaper to register his name and place of abode, upon oath; to give sureties for *500l.* each to answer any civil suits that might be instituted against them; prohibited them, under a severe penalty, from taking money for the insertion of any slanderous articles; and compelled hawkers of unstamped papers, of a libellous and inflammatory nature,

to prove from whom they received them; and subjecting them to imprisonment, *ipso facto*, by warrant of any justice of the peace. The latter provision, as well as that respecting sureties, was withdrawn, during the discussion on the bill, which was violently opposed; but, nevertheless, when so modified, it passed into a law.

While Ireland was so circumstanced, it could not fail to occupy a large share of the attention of his Majesty's ministers, who were intent on providing such a system of commercial intercourse between the two countries, as should be highly beneficial to both. A series of resolutions were, accordingly, prepared as the basis of this system; and were submitted to the Irish Parliament, at the beginning of February. Having received their sanction, they were sent to England; and Mr. Pitt immediately began to arrange the provisions of a commercial treaty, in strict conformity thereto. On the 22d of February, 1785, he introduced the subject to the British House of Commons: he then stated, that the system for regulating the commercial interests of the two kingdoms, should be founded on principles of expediency and justice. On such principles, the ministers had acted, in the propositions which he had to submit to the House, as the basis of the proposed system. He entered into a long explanation of the

conduct of this country to Ireland, during the last century, shewed the relative situation of the two countries, at different periods; and expatiated on the effects of the concessions which had been already made to the sister kingdom. The farther concessions which he meant to propose were reducible to two heads. 1. The importation of the produce of our colonies in the West Indies and America, through Ireland into Great Britain. 2. A mutual exchange between the two countries of their respective productions and manufactures, upon equal terms. In return for these concessions, he proposed, that Ireland should agree to the payment of a certain stipulated sum yearly, out of the surplus of her hereditary revenue, towards defraying the general expenses of the empire. He concluded his speech with moving the following general resolution. "That it is the opinion of this House, that it is highly important to the general interest of the empire, that the commercial intercourse between Great Britain and Ireland should be finally adjusted; and that Ireland should be admitted to a permanent and irrevocable participation of the commercial advantages of this country, when the Parliament of Ireland shall permanently and irrevocably secure an aid out of the surplus hereditary revenue of that kingdom,

towards defraying the expense of protecting the general commerce of the empire in time of peace." Mr. Pitt did not call upon the House to come to a vote upon the question, but, having opened the business, he moved, that the consideration of the resolution should be adjourned to a future day.

This preliminary step having been taken, a considerable portion of time was spent in examining the merchants, traders, and manufacturers of Great Britain, upon the details into which it would be necessary to enter in the arrangement of the proposed system. During the two succeeding months a great body of evidence was collected, and many petitions were presented to the House against the measure. At length, Mr. Pitt brought forward, on the 12th of May, a set of resolutions, containing the whole of his plan, being the final result of all the information which he had collected on the subject, and of all the reflection which he had bestowed upon it.

The additions to his former plan, in that now proposed, consisted principally in these provisions. 1. That whatever navigation laws the British Parliament should hereafter find it necessary to enact for the preservation of her marine, the same should be passed by the legislature of Ireland. 2. Against the importing

into Ireland, and thence into Great Britain, of any other West India merchandizes than such as were the produce of our own colonies;—and 3. That Ireland should debar herself from trading to any of the countries beyond the Cape of Good Hope to the Streights of Magellan, so long as it should be thought necessary to continue the charter of the East India Company.

The object of these provisions must have been obvious to every one; and it was natural to suppose, that an ardent desire to preserve our navigation laws inviolate; to secure our West India planters and merchants against the losses which they must sustain from the importation of the produce of foreign colonies into Ireland; and to keep our faith with the East India Company, by protecting the privileges secured by their charter against all invasion, would have experienced the unanimous approbation of the House and of the country. But this was not the case, for some of these provisions experienced the most marked and decided opposition. The first, in particular, was opposed on the ground that it invaded the acknowleged independence of the Irish legislature, by binding it to make laws at the will of Great Britain. The objection, however, was easily refuted by the obvious remark, that as it was optional with Ireland to accept or reject the pro-

positions *in toto*; in the event of her acceptance, the obligation to make certain laws for the mutual advantage of both countries would be her own spontaneous act, and not any exercise of authority on the part of Great Britain.

Mr. Pitt defended his propositions at great length, and with great earnestness; and having fully explained their nature and tendency, he entreated the House to consider and reflect how momentous the object before them was;—that it tended to conciliate a difference between this and our sister kingdom, which, though now confined to secret repinings, to disgusts, to jealousies, and a war of interests and of passions, might, perhaps, in time, proceed to a length which he shuddered to think of, and could not venture to express; that the proposed arrangement tended to enrich one part of the empire without impoverishing the other, while it gave strength to both; that, like mercy, the favourite attribute of heaven,

> "It is twice bless'd,—
> "It blesseth him that gives, and him that takes;"

that, after the severe calamities under which this country had so long laboured, that after the heavy loss which she had sustained from the recent division of her dominions, there ought to be no object more impressive on the feelings

of the House, than the endeavour to preserve them from further dismemberment and diminution, to unite and to connect what yet remained of our reduced and shattered empire, of which Great Britain and Ireland were now the only considerable members, in the bond of affection, of mutual kindness, and of reciprocity of interests. He called upon those gentlemen who had enjoyed a share in the Irish government, at different periods, to declare, whether the time was not now passed, when temporary expedients, when lenitives, calculated merely for the purpose of deadening the immediate sense of pain, without even approaching the seat of the distemper, could be administered with safety? Whether they could silence the demands which the Irish, with a loud united voice, were at this moment making, on the justice, the wisdom, and humanity of the nation?

He declared, in the most impressive manner, that among all the objects of his political life, this was, in his opinion, the most important in which he had ever been engaged, nor did he imagine that he should ever meet another that would call forth all his public feelings, and rouse every exertion of his heart, in so forcible a manner as the present had done. It was a question in which, he verily believed, was involved every prospect which still remained to

this country, of again lifting up her head to that height and eminence which she once possessed among nations; and of giving to her commerce, her public credit, and her resources, that spring and vivacity which she felt at the conclusion of the last war but one,—which were now so obviously returning, and which, he trusted, she would never be found to want, so long as liberality, public spirit, and disinterestedness, held their place in that House.

But, independently of the particular objection, already noticed, to one of the additional provisions, the measure was strenuously opposed upon the general ground of its hostility to the interests of the manufacturers of Great Britain, who, it was contended, would be materially injured by the proposed arrangement; and no less than 155 members voted against it in the House of Commons; where, however, it was carried by a majority of 121. So difficult was it to arrange any plan of mutual benefit, for the commercial intercourse of two countries, situated as Great Britain and Ireland then were, having separate parliaments, but one common sovereign,—at least such a plan as would afford satisfaction to both parties, or, indeed, to either party. The propositions underwent a long discussion in the House of Lords, where some amendments were adopted; and in that state

having received the concurrence of the House, they were returned to the Commons for their approbation. Another debate on the subject took place on the twenty-second of July; when they were presented in the shape of resolutions.* Mr. Pitt then moved:

"That the foregoing resolutions be laid before his Majesty, with an humble address, assuring his majesty that his faithful Commons have taken into their most serious consideration the important subject of the commercial intercourse between Great Britain and Ireland, recommended in his Majesty's speech at the opening of the present session; and the resolutions of the two Houses of Parliament in Ireland, which were laid before us, by his Majesty's command, on the 22d day of February last.

"That, after a long and careful investigation of the various questions necessarily arising out of this comprehensive subject, we have come to the several resolutions which we now humbly present to his Majesty, and which, we trust, will form the basis of an advantageous and permanent commercial settlement between his Majesty's kingdoms of Great Britain and Ireland.

"That we proceeded on the foundation of the resolutions of the parliament of Ireland; but, in considering so extensive an arrangement, we

* See Appendix A.

have found it necessary to introduce some modifications, and exceptions, and we have added such regulations and conditions as appeared to us indispensably necessary for establishing the proposed agreement on just and equitable principles, and for securing to both countries those commercial advantages, to an equal enjoyment of which they are in future to be entitled:

"That his Majesty's subjects in Ireland, being secured in a full and lasting participation of the trade of the British colonies, must, we are persuaded, acknowledge the justice of their continuing to enjoy it on the same terms with his Majesty's subjects in Great Britain:

"And it is, we conceive, equally manifest, that, as the ships and mariners of Ireland are to continue, in all time to come, to enjoy the same privileges with those of Great Britain, the same provisions should be adopted in Ireland as may be found necessary in this country, for securing those advantages exclusively to the subjects of the empire: this object is essentially connected with the maritime strength of his Majesty's dominions, and consequently with the safety and prosperity both of Great Britain and Ireland.

"We therefore deem it indispensable, that these points should be secured, as conditions necessary to the existence and duration of the agreement between the two countries: they can

only be carried into effect, by laws to be passed in the parliament of Ireland, which is alone competent to bind his Majesty's subjects in that kingdom, and whose legislative rights we shall ever hold as sacred as our own.

"It remains for the Parliament of Ireland to judge, according to their wisdom and discretion, of these conditions, as well as of every other part of the settlement proposed to be established by mutual consent.

"Our purpose in these resolutions is to promote alike the commercial interests of his Majesty's subjects in both countries; and we are persuaded, that the common prosperity of the two kingdoms will thereby be greatly advanced; the subjects of each will in future apply themselves to those branches of commerce which they can exercise with most advantage, and the wealth so diffused through every part will operate as a general benefit to the whole.

"We have thus far performed our part in this important business; and we trust that, in the whole of its progress, reciprocal interests and mutual affection will insure that spirit of union, so essentially necessary to the great end which the two countries have equally in view:

"In this persuasion we look forward, with confidence, to the final completion of a measure, which, while it tends to perpetuate har-

mony and friendship between the two kingdoms, must, by augmenting their resources, uniting their efforts, and consolidating their strength, afford his Majesty the surest means of establishing, on a lasting foundation, the safety, prosperity, and glory of the empire."

The address was strongly opposed by Lord North, Mr. Fox, Lord Beauchamp, and others, on the same ground on which they had opposed the original resolutions; they did not, however, press for a division;—and after an animated reply from Mr. Pitt, in which he endeavoured to shew, that the different grounds of opposition were futile in themselves, and contradictory to each other, it was carried. The address was certainly worded with extreme caution, and contained not a syllable that could either thwart the prejudices, or wound the feelings, of that irritable people, to whom it referred. And, upon a careful analysis of the resolutions themselves, it will be found, that they were highly favourable to the Irish; and that, although as much attention as was practicable, in an arrangement so complicated and so extensive, had been paid to a strict reciprocity of interest and advantage, the manufacturers of Great Britain had better reason to complain of the terms than those of Ireland.

But, notwithstanding this preponderance

in favour of the sister kingdom, the Irish viewed with dissatisfaction the progress of the measure. The voice of prejudice was allowed to silence the calls of interest. And, as if every thing which originated in this country was to be considered, not merely as an object of jealousy and mistrust, but as concealing hostile intentions beneath the guise and semblance of friendship, as great a clamour was raised against the proposed basis of a commercial intercourse, as if it tended to undermine the constitution of Ireland, to sap the liberties of her people, to subvert their independence, and to impose the yoke of slavery on the land. But, in contemplating the transactions of those periods, in which the two countries were concerned, it must never be forgotten, that there always existed in Ireland a large body of men, who anxiously wished to produce a total separation between that kingdom and this. Some of these might be actuated by an ardent love of their country, laudable in its nature, but blind to the real interests of its object; and some, by a towering and restless pride, not subject to the controul of reason, and enamoured of independence, without stooping to define, or even to understand it, and even indignantly rejecting the very means by which alone it could be maintained, or the prosperity of the nation

and the happiness of the people promoted and confirmed. But these formed only a very small portion of that body which wished to separate the two kingdoms. The rest were actuated by religious bigotry, derived from the tenets of their church, which rendered them uneasy under a Sovereign of a different faith; and which made them perpetually cast a longing eye on the ascendancy which they had lost, and on the possessions which they had forfeited. These, either from the hope to derive advantage from the separation of the sister states, or wishing to revenge themselves on a power who had humbled the pride, and rejected the doctrines, of their church, generally joined the discontented party, and threw their weight into the scale of those who opposed the measures of the government.

While the public mind was in this state, the subject of the commercial intercourse was introduced to the Irish House of Commons, on the 12th of August, when it was discussed, not with the coolness and wisdom which a measure of such extreme importance demanded, but with all the violence which the strongest prejudice could excite, or the most inveterate party-spirit display. Mr. Grattan and Mr. Flood took the lead in opposition; and they both of them exerted all the powers of their eloquence, to cast an odium, not only on the plan proposed, but on

the intentions of the British government. In short, nothing which could tend to inflame the minds of the people, to increase the existing animosity, or to widen the breach between the two countries, was omitted. The objections urged in the British House of Commons, on the pretended invasion of the legislative independence of Ireland (which was specifically recognized, in the most unequivocal terms, in the address to the House) were re-echoed, and amplified to the utmost.

The chief points to which the opposition was directed, were, of course, those which by sophistry could be the most easily perverted from their real meaning and intent, and brought, by ingenuity, to bear the semblance of interference with the legislative independence of Ireland. The perpetual disposition and appropriation of the surplus of her hereditary revenues for purposes of mutual defence; the obligation to unite with Great Britain in the adoption of such legislative means as circumstances might render necessary for the support of her wise system of navigation; and the restriction which she had found it necessary to impose, respecting the trade of Ireland beyond the Cape of Good Hope and the Streights of Magellan, in order to prevent a violation of the charter granted to the East India Company, were selected, as affording

admirable grounds for the display of popular eloquence, and as the most proper topics for exciting irritation in the minds of the people. Mr. Grattan, in particular, drew a comparison between the concessions which Irish importunity had extorted from British condescension, and that situation to which Ireland would be reduced by the proposed plan of *reciprocal* accommodation, and of *mutual* benefit. "See," said he, "what you obtained without compensation—a colonial trade, and a free trade,—the independence of your judges, the government of your army, the extension of the constitutional powers of your council, the restoration of the judicature of your lords, and the independence of your legislature! See, now, what you will obtain by compensation—a covenant not to trade beyond the Cape of Good Hope, and the Streights of Magellan—a covenant not to take foreign plantation produce but as Great Britain shall prescribe—a covenant not to take certain produce of the United states of North America, but as Great Britain shall permit—a covenant to make such acts of navigation as Great Britain shall prescribe—a covenant never to protect your own manufactures, never to guard the *primum* of those manufactures."

It was not easy to carry perversion and misrepresentation much farther. To sink all the

advantages resulting to Ireland from the proposed system, or to make the benefits which she was to confer to appear greater than those which she was to receive, were efforts requiring only the exertions of a common mind, and of vulgar intellects; but, to turn benefits into injuries, and blessings into curses, to convert a boon which Great Britain might either grant or retain, into a right which Ireland could peremptorily demand,—to give, in short, a different shape, colour, and complexion to a plan, from those which it derived from the hands of its parent, and which it presented to every person of common sense, by whom it was viewed and contemplated, called for the display of superior powers, and was worthy the genius of the sublimest patriotism.

The Bill was defended against the unfounded attacks of these vehement orators, chiefly by Messrs. Fitzgibbon, Hutchinson, and Foster, who contended, that there was no more reason to charge it with an invasion of the legislative freedom of Ireland, than there had been to fix a similar stigma on the acts of 1779, and 1784, wherein Ireland had stipulated to trade with the British colonies and settlements, in such manner as Great Britain herself traded, to impose the like duties, and to adopt the same restrictions and regulations; that in the present bill the

same principle of trading was proposed to them, and it was left to them, either to accept or to reject it at their pleasure. Nay, were they even to pass the bill now, the Irish Parliament were left as much at liberty, either to observe the conditions, or to renounce the agreement, *in toto*, whenever those conditions should become obnoxious and dissatisfactory, as they were by the acts alluded to. The only difference was, that by the former acts, Ireland had subscribed to the commercial laws, which had been adopted by Great Britain for two hundred and ninety years; (and to which, it might have been added, she was principally indebted for her existing commercial and maritime superiority) by the present, to such as that country should bind itself in future; but that it would be still in the power of the Irish Parliament to renounce these laws, and the whole agreement together, whenever they thought proper.—On the other hand, the commercial advantages offered to Ireland, by the present bill, were maintained to be highly important; the linen trade, (her staple manufactory) was secured to her for ever, against all competition; the colonial trade through Ireland to Great Britain was opened to her; the Irish manufactures had free admission to the British markets; and, as these manufactures

were allowed to be re-exported from Great Britain, with a drawback of all duties, the Irish would, in effect, export on the foundation of British capital, at the same time that they were left to employ their own capital in the extension of their home manufactures.

The violent declamations of Messrs. Flood and Grattan, however, were more in unison with the feelings of the public, than the sober and dispassionate statements of their opponents. The motion, indeed, was carried, after a debate which lasted till nine in the morning, for leave to bring in the bill, by a majority of nineteen; but the opposition which it experienced induced the Irish secretary, Mr. Orde, to declare, that after it had been printed, he should not press any further proceedings upon it, until the nation should be led to entertain a better, and more equitable opinion of the measure, which he was confident, upon a further and more temperate re-consideration of its principles, would be the case. Thus the bill was virtually lost; and not only were those propositions which had engaged so much of the time and attention of Mr. Pitt, and which, in his estimation, were calculated to promote the general interests of the British empire, and the welfare and prosperity of the people of both countries, rejected; but their re-

jection was received with acclamations of joy, and with public illuminations.*

* In a speech, in the Irish House of Commons, on the 15th of August, when the bill in question was presented, and ordered to be printed, Mr. Curran, (the present master of the rolls in Ireland) pronounced a pompous eulogy on the opponents of the measure, in which he described, with rather more zeal than piety, Mr. Grattan's eloquence as "*more than human*;" imputed the victory which had been obtained to "the principles of liberty—which had stained the fields of Marathon, stood in the pass to Thermopylœ, and gave to America independence;" and rejoiced, that it was "not a victory bathed in the tears of a mother, or sister, or a wife,—not a victory hanging over the grave of a *Warren* or a *Montgomery*, and uncertain whether to triumph in what she had gained, or to mourn over what she had lost." In the flights of oratory, it would be too much to expect the preservation of those moral distinctions, of which patriots and legislators should never lose sight; it might therefore be improper to comment too severely on the attempt to confound the gallant exertions of a band of patriotic heroes, who nobly sacrificed their lives in defence of the freedom of their country, with the treasonable efforts of rebels to shake off the allegiance which they owed to their lawful sovereign. The demon of rebellion may hang in tears over the grave of a *Warren* or a *Montgomery*, but the genius of royalty will reserve her sorrows for the fate of a *Wolf*, or an *Andree*.

CHAP. VII.

State of the Continent—Projected exchange of Bavaria for the Austrian Netherlands—Treaty of Berlin—Insurrection in Hungary—Treaty of Fontainbleau between Austria and Holland—Treaty of Alliance and Commerce between France and Holland—Dissentions in Holland fomented by France—Meeting of the British parliament—Mr. Fox condemns the conduct of the government respecting the Treaty of Berlin—His opinion of the policy of continental alliances—Declares his jealousy of French power and ambition—Answered by Mr. Pitt, who disclaims all right of interference, on the part of the British government, in the concerns of Hanover—Reflections on the duty of a minister in that respect—Motion for fortifying the dock-yards—Mr. Pitt's speech in support of it—Different opinions on the subject—Mr. Sheridan's speech—Remarks on his sentiments—State of the revenue—Mr. Pitt's proposal for the establishment of a permanent Sinking Fund—Combated by Mr. Fox and Mr. Sheridan—Mr. Sheridan's counter-resolutions rejected by the House—Objections to an *unalienable* fund—Mr. Pitt's bill for giving effect to his plan passes into a law—Bill for subject-

ing the duties on foreign wines to the excise, introduced by Mr. Pitt—Arguments against it—Receives the royal assent —Mr. Burke prefers charges of high crimes and misdemeanors against Mr. Hastings—Mr. Fox attacks Mr. Dundas—Mr. Pitt defends him—Mr. Hastings's defence—Mr. Pitt's Speech on the Charge respecting Cheit Sing—Exposes the insidiousness and acrimony of one part of the Charge—Offends both parties by his vote—His conduct explained and justified—Reflections on the influence of political prejudices on judicial decisions—Mr. Dundas's bill for the improvement of the government of India—Opposed by Mr. Burke—Carried—Parliament prorogued.

[1785.] THE appearances of a continental war, which had marked the opening of the present year, long continued to obscure the political horizon, and to bear every indication of a storm ready to burst upon Europe. But the emperor of Germany, with a mind fertile in expedients for the creation of difficulties, though barren of projects for their removal or their conquest, conceived so many plans of reform, devised so many political schemes, and advanced so many pretensions, that some of them necessarily interfered with, if they did not directly oppose, the others; and the whole together excited so much jealousy in the surrounding powers, that the execution of any part of them was rendered impracticable.

While his claims on the Scheldt remained

in suspense, and an appeal to the sword seemed the only mode of decision, Germany was thrown into consternation by the rumour of a projected exchange of the Austrian Netherlands for the electorate of Bavaria. By the acquisition of this important territory, the emperor would have consolidated his dominions, extended his power, and contracted his line of defence. On every account, therefore, the exchange was highly desirable to him. The empress of Russia had evidently lent her sanction to the plan, since she took the trouble to write to the Duke of Deux-ponts, who was heir to the electorate, to request his consent to it.—The duke, however, rejected the proposal with little ceremony, and applied to the king of Prussia, as guarantee of the treaty of Teschen, to protect the Germanic empire against the intended innovation. The king readily complied with his request, as it afforded him an opportunity of enlarging the sphere of his own influence, while it perfectly accorded with his interested views, of preventing the aggrandizement of a power, which he considered as his only dangerous rival.—Through his zeal and activity, operating on the jealousy and the apprehensions of other states, a treaty of union and confederation was signed at Berlin on the 23d of July, 1785, between the king of Prussia, the king of Great Britain, as elector of Bruns-

wick Lunenburgh, and the elector of Saxony. The professed object of this treaty was to maintain the indivisibility of the empire, the general rights of the Germanic body, and those of its individual members.—After much altercation on the subject, and much political intrigue, the emperor, who had at first disavowed the plan, found himself reduced to the necessity of abandoning his designs. Meanwhile his impolitic reforms in Hungary had so far disgusted that brave people, as to induce them to take up arms in resistance of his authority. During four months the rebellion raged with great fury, much blood was shed, and many enormities were committed; but the insurgents, having risked a general action with the Austrian army, were easily defeated with considerable slaughter, when their chiefs were put to death, and themselves reduced to obedience.

The opposition and the disappointment which the emperor had experienced, in the pursuit of these projects, had probably no little effect in disposing him to accede to the proposals of France, for an amicable termination of his disputes with Holland. Two Dutch ambassadors having been sent to Vienna, in the summer, to satisfy his pride, which had been grievously offended by the insult offered to his flag on the Scheldt, he agreed to renew the negotiations at

Paris, under the immediate superintendence of the French minister, the Count de Vergennes, who exerted himself so successfully in accelerating their progress, that the definitive treaty between the emperor and the states-general was signed at Fontainbleau, on the 8th of November, under the guarantee of the king of France.

By this treaty the states acknowledged the emperor's absolute and independent sovereignty over every part of the Scheldt, from Antwerp to the limits of the county of Seftingen, conformably to a line drawn in 1664; they, consequently, renouncing the right of levying any tax or toll on that part of the river, and binding themselves not to interrupt, in any manner, the commerce or navigation of his subjects thereon; that the rest of the river beyond those limits to the sea, together with the canals of the Sas, the Swin, and the other neighbouring mouths of the sea, were to continue under the sovereignty of the states-general, conformably to the treaty of Munster: that the states should evacuate and demolish the forts of Kriuschans and Frederic Henry, and cede the territories to his imperial majesty: that, in order to give a new proof to the emperor of their desire to establish the most perfect intelligence between the two countries, the states consented to evacuate, and to submit to his discretion, the forts of Lillo and of Lief-

kenshock, with the fortifications, in their present condition, only reserving to themselves the right of withdrawing the artillery and ammunition.

The emperor, on his part, renounced all the rights and pretensions which he had formed, or could form, in virtue of the treaty of 1673, upon Maestricht and its depending or adjoining specified territories, and the states agreed to pay to his imperial majesty the sum of nine millions and a half of florins, in the current money of Holland. They likewise stipulated to pay him half a million of florins, as an indemnification to his subjects for the damages which they had sustained from the inundations. The other articles contained the renunciation of various claims and rights on both sides; mutual cessions of villages or districts; and various local or internal regulations. No forts or batteries were to be raised in future within cannon-shot of the limits on either side, and those already constructed were to be demolished. All pecuniary claims or debts between the respective states were cancelled; and the contracting parties were bound to renounce, without any reservation, all further pretensions which either might have to prefer against the other.

Thus terminated this short-lived contest which had threatened to involve the greater part of Europe in the horrors of war;—a contest

by which the emperor lost in reputation more than he gained in money, and added another to the many proofs which he had already exhibited, of his want of wisdom in the cabinet, and of decision in the field. France availed herself of the increasing influence which the termination of this dispute had given her over the councils of Holland, to conclude a new treaty with that republic, which was signed two days after the other treaty, on the 10th of November. By this treaty the interests, the power, and the resources of the two states were, as far as possible, identified. They mutually guaranteed to each other the actual possession of all their estates, domains, franchises, and liberties, and mutually bound themselves to protect each other from all hostile attacks in every part of the world. If their united good offices and exertions for the preservation of peace, with respect to either, should prove ineffectual, they were to assist each other by sea and land, in specified proportions. France was to furnish Holland with ten thousand effective infantry, two thousand cavalry, twelve ships of the line, and six frigates; and the states general, in case of a naval war, or in the event of any attack on France, by sea, was to furnish six ships of the line and three frigates; and in case of an attack on France by land, they were to have the option of furnishing

their contingent as they liked, either in money or troops, at the estimate of five thousand infantry, and one thousand cavalry. The power which furnished the succours, whether in ships or men, was to support them, wherever they might be employed; and they were to be at the entire disposal of the party to whom they were furnished; and if the stipulated succours should prove insufficient for the defence of the party requiring them, or for the purpose of procuring a proper peace, they were to be augmented as the necessity might require; nay, they were bound to assist each other with all their forces, if necessary; with this only restriction, that the contingent of troops to be supplied by the states-general should in no instance exceed twenty thousand infantry and four thousand cavalry, and that they were in all cases to preserve the option of furnishing money in the place of land forces.

In the event of a naval war, in which neither of the parties should be directly concerned, they were to guarantee to each other the liberty of the seas. If either party should be engaged in a war, in which the other should be obliged to take a direct part, they were to concert together the most effectual means of annoying the enemy, and neither of them was to have the power to disarm, to make or to receive proposals

for a peace, or a truce, without the consent of the other; and no negotiation was to be opened or pursued by either of the parties without the participation of the other; and they were to make each other acquainted with what passed during such negotiation. They mutually bound themselves to keep their forces at all times in good condition, and either party had a right to require and obtain from the other whatever satisfaction they might think necessary respecting the state of its military and its means of defence. Both parties were faithfully to communicate to each other those engagements which subsisted between them and other powers of Europe, which were to remain untouched; and they promised not to contract any future alliance or engagement whatever, which should be directly or indirectly contrary to this treaty.

It was further agreed, that a treaty of commerce should be concluded, by which the subjects on either side were to be treated or considered by the other as the most favoured nation; and, by one of the separate articles of the present treaty, it was stipulated that both parties should, as much as possible, further their mutual prosperity and advantage, by rendering each other every assistance, both in counsel and succour, upon all occasions, and not agree to any treaties or negotiations which might be detri-

mental to each other, but should give notice of any such negotiations, &c. as soon as they should be proposed. The parties being left at liberty to invite any other powers to join in this treaty, it was evidently the design of France to make the states-general an associate in her family-compact, and to bind them to an observance of all its provisions, as well as to forward all the views of the house of Bourbon. Indeed, by this treaty, the whole system of policy by which Holland had long been guided; a system which had risen out of her religious struggles, as well as out of her local and political situation, was subverted; and she threw herself, without caution as without reserve, into the arms of that power, who had the greatest means of injuring her, and the greatest interest to carry those means into effect. The influence which France had thus acquired was very speedily felt by the Dutch. By the intrigues of the French minister, civil dissentions were promoted; the republican faction was encouraged to throw off the mask; open attacks were made upon the lawful authority of the stadtholder, who was soon stripped of his undoubted prerogatives; even the government of the Hague was taken from him; he was compelled to fly for refuge to his own town of Breda; and the republic was no sooner relieved from the dangers of foreign invasion, than she

was threatened with the more grievous calamities of civil war.

[1786.] The British parliament resumed its sittings on the 24th of January, when the speech from the throne adverted, in general terms, to the friendly disposition of the continental powers to this country, and directed the attention of the Commons to the improvement of the revenue, and the adoption of means for the gradual reduction of the national debt: but notwithstanding the caution observed in the speech, Mr. Fox seized the opportunity which the motion for an address supplied, of entering into a wider field of discussion, and of largely expatiating on the late transactions on the continent of Europe. He strongly censured the ministers for their impolicy in neglecting the formation of continental alliances, and for their negligence and tardiness in all their negotiations. To their criminal misconduct he ascribed the advantage which France had obtained in their late treaty with the republic of Holland, and the ridicule to which our ambassadors at the Hague had been exposed, by presenting a memorial on the subject after the treaty had been actually ratified. He considered the conduct of the states as highly rash and impolitic, in concluding a treaty which inseparably bound them to the interests of France; and he regarded the

treaty itself as dangerous and hostile to this country, inasmuch as it combined France, Spain, and Holland, three of the most powerful maritime powers of Europe, in a confederacy against Great Britain.

His views of this subject, and his notions of the impending danger, were not less just than his ideas respecting the necessary means for averting it. He recommended a closer connection with the courts of Vienna and Petersburgh; and he condemned the ministers for offending the very prince whom it was their interest to conciliate. The emperor, who was the most likely to become a formidable enemy to France, had been imprudently disgusted by the conduct of the king, who, as Elector of Hanover, had joined the German confederacy, formed on the pretence of preserving the liberties of the empire, but, in fact, to oppose the views and pretensions of the emperor. He reminded the House, that in all her wars France had been most embarrassed by the dread of attack from the neighbouring powers; her policy therefore had been directed to secure their neutrality, and to relieve her from the necessity of keeping up a large military establishment, and, consequently, to enable her to pay greater attention to the increase of her naval force. And hence it was, that during the late war, her army had been

considerably reduced, and her navy increased in proportion. The emperor (whom she still regarded with a jealous eye) was the only power in Europe, whom she had any cause to dread. It was therefore her first wish to promote a difference between that prince and Great Britain, and this wish our ministers had fully gratified, by the effects of that league which had provided a gratuitous security for the frontiers of France.

Mr. Fox observed, that an opportunity which had occurred two years before for entering into an advantageous treaty with Russia, had been suffered to escape. He alluded to the period when the Empress of Russia had just settled her differences with the Porte, on the subject of the Crimea, when she made overtures, of a most advantageous nature, to the British court. At the same time, he expressed his satisfaction at having heard, that a treaty was then actually in a state of forwardness, and in a fair way of being concluded. He next adverted to the projected treaty of commerce between this country and France, against the policy of which he expressed the most decisive opinion, and entered his most solemn protest; and he appealed to the experience of former times, which, he said, proved, that this nation had grown great, prosperous, and flourishing, from the moment that

she abandoned all commercial connexions with France.

Though Mr. Fox had, on this occasion, wandered far from the subject of the address, yet it was impossible to regret that he had so done, since it gave him an opportunity of displaying that just jealousy of the intriguing spirit, overweaning ambition, and encroaching power of France, which every British statesman should entertain and cherish. Mr. Pitt in his answer, complimented Mr. Fox on the instinctive dexterity with which he was accustomed to leave out of his speeches such parts of the subject as were unfavourable to him; to introduce such matter, however foreign and unconnected, as he expected would be favourable. He then informed the House, that the treaty with the Empress of Russia was in a state of great forwardness, and would, he had every reason to believe, be so completed as to afford general satisfaction. As to the Germanic confederacy, it was a measure, he said, with the merits or demerits of which his Majesty's ministers had no concern; and he desired to have it understood, that Great Britain was by no means committed by any league lately entered into by the elector of Hanover, but was in the present instance, what she ought always to be, perfectly unconnected with the politics of that electorate. On this

point, one of material importance, he spoke without hesitation or reserve. Accident, he said, had placed the sovereignty of the two countries in the same hands; but it by no means followed, that the interests of each must necessarily be the same, though, perhaps, it might be for their mutual advantage to make their interests as reconcilable to each other as possible. He marked the inconsistency of Mr. Fox's apprehension of our being involved in difficulties through the means of His Majesty's German territories, while he expected that the administration of these territories should be subordinate to, and regulated by, the ministers of Great Britain; as if that very circumstance would not bind this country on all occasions to assist and protect the electorate; whereas the only way for Great Britain to avoid embroiling herself in quarrels on account of Hanover, was by keeping our government, as much as possible, independent of Hanoverian politics.

But Mr. Fox ridiculed the idea, that Great Britain was not committed by treaties, entered into by His Majesty, as Elector of Hanover. And, in order to support his own notions on the subject, he put a variety of cases, in which the King and Elector of Hanover might be engaged on different sides, and the troops of the one oppose the troops of the other. Great

Britain might, according to him, be called upon to assist in depriving the King of his hereditary states in Germany; and a British army might act against an Hanoverian army, led by the King in person. That such cases were *possible*, is not to be doubted; that they were *probable*, no man could believe; but that they were sufficient to sanction the interference of the British ministry in the concerns of the Hanoverian cabinet, it required more ingenuity and sagacity than even Mr. Fox possessed to persuade men of sober judgment and reflection. Although the supremacy of both countries be (unfortunately, it must be confessed) vested in the same person, still it is the duty of a British minister to keep them totally separate and distinct, in respect of their political and public concerns. He should never seek to pledge Hanover for the support of interests purely British; and much less should he labour to involve Great Britain in difficulties and disputes on account of Hanover. The utmost point to which the consideration of a common sovereign should lead him, should be the treatment of Hanover as a most favoured nation, and the exertion of his influence with the continental powers, to persuade them to abstain from any invasion of her rights, and from any attempt on her indepen-

dence. Farther than this duty forbids the minister to go. The House did not divide on the address.

The first object of importance to which the attention of Parliament and of the country was now called, was a plan originally suggested by the Duke of Richmond, who was master-general of the ordnance, for fortifying the dock-yards at Portsmouth and Plymouth. At one period of the American war, the combined fleet of our enemies had rode triumphant in the British channel, and compelled our own fleet, from the vast inferiority of its force, to seek for refuge in port. It was this circumstance, no doubt, which led the duke to reflect on the possible consequences of such an event, at a time when our fleet might be absent (as when it was employed in the relief of Gibraltar); in case the enemy should land a considerable force for the purpose of destroying our dock-yards; and, also on the best means of frustrating any such attempt. In his opinion, the erection of fortifications was the only plan, easy of execution, and adequate in effect. The matter had, in consequence, been mentioned in the House of Commons, in the preceding session, and the House had, very wisely, referred the consideration of the measure, to a board of military and naval officers, who were deemed most competent to

decide on its utility and necessity. This board had accordingly met, and, having duly considered the *data* submitted to them, made their report. The plans recommended were then laid before a board of engineers, who estimated the expence at £760,097. This estimate was produced to the House of Commons by Mr. Pitt on the 10th of February; and other papers necessary for the information of the members having been afterwards brought forward, the 27th of February was fixed for the final discussion of the measure.

But before this period had arrived, the matter had been very fully discussed by the public, as well in the daily prints, as in various tracts and pamphlets which appeared on the subject; and the general tide of public opinion was decidedly hostile to the plan. On the appointed day, Mr. Pitt moved the following resolution, "That it appears to this House, that to provide effectually for securing his Majesty's dock-yards at Portsmouth and Plymouth, by a permanent system of fortification, founded on the most economical principles, and requiring the smallest number of troops possible to answer the purpose of such security, is an essential object for the safety of the state, ultimately connected with the general defence of the kingdom, and necessary for enabling the fleet to act

with full vigour and effect, for the protection of commerce, the support of our distant possessions, and the prosecution of offensive operations in any war in which the nation may hereafter be engaged." Mr. Pitt supported his motion, in a speech of considerable length, in which he answered all the objections to the proposed measure, which he had either seen or anticipated. He inferred the necessity of the plan, from the acknowledged inadequacy of our naval military force on all occasions to afford complete security to the great repositories of our naval strength; and he defended it on the ground, that its adoption would allow of the employment of our fleet in distant quarters, while it would admit of a reduction of our land forces.

These conclusions, however, were combated with great force by the leaders of opposition, as well as by many independent members of the House. It was certainly a subject which admitted of, and produced, a great diversity of opinions. It was thought by many, that the security which fortifications would bestow, would render the government inattentive to the increase of our navy, which they justly held to be the main prop and bulwark of our independence, our strength, and our greatness. Others believed, that so great an expence was to be incurred against an imaginary danger; for

that the landing of any force sufficient for the destruction of our dock-yards was impossible; and that, consequently, the expenditure of so much money to secure us from an attack which could not be made, was a criminal waste of public treasure. And there were some who objected to it on the ground, that it would require a considerable augmentation of our military force. These were opinions that might very naturally be entertained by men who considered the subject with a fair and impartial mind; and they were such as fully warranted them in opposing the plan. But Mr. Sheridan adopted a line of argument in support of *his* opposition, which is entitled to particular notice. He contended, that to erect fortifications for the protection of our dock-yards, was dangerous and inimical to the constitution. He denied, that the system pursued would have the effect expected, of diminishing the standing army; but, even allowing that such would be the consequence of the fortifications, it did not follow that there would be less cause for constitutional jealousy. It was of the nature of kings to love power, and in the constitution of armies to obey kings. Whenever we spoke of a constitutional jealousy of the army, it was upon a supposition, that the unhappy time might come, when a prince might be misled by evil councellors, and that an army

might be found, who would support their military head, in an attempt upon the rights and liberties of their country. The possible existence of this case, and the probable coincidence of these circumstances, were in contemplation whenever an argument was admitted on the subject, otherwise we derided the wisdom of our ancestors in the provisions of the bill of rights, and made a mere mockery of the salutary and *sacred* reserve with which, for a short and limited period, we annually entrusted our *executive magistrate* with the necessary defence of the country. Having assumed this plain statement of the case, Mr. Sheridan proceeded to observe, that it was not merely to the number of soldiers a king might have, that we were to look; the jet and substance of the question were, in which of the two situations, the one with, the other without, the proposed fortifications, would such a misled king and his counsellors find themselves in a state of the greatest military force and preparation, and be most likely to command and receive a military support? In this point of view, would it be argued, that these fortresses, which were to become capable of resisting a siege by a foreign enemy landed in force, would not serve as a sufficient strength in the hands of the crown, when the enemy was his people? Again, he asked, would no stress

be given to the great important distinction, between troops selected and separated from their fellow-citizens in garrisons and forts, and men living scattered and entangled in all the common duties and connections of their countrymen? Was this an argument of no weight, when applied to the militia, who were to form a part of these garrisons? or would it, even for a moment, be pretended, that men, under such circumstances, and in such disciplined habits, were not a thousand times more likely to despise *the breath of Parliament*, and to lend themselves to the active purposes of tyranny and ambition, than the loose and unconnected bodies which exist even with jealousy, under the present regulation? It was unnecessary, he conceived, to press the distinction; the fact was, that these strong holds, if maintained, as they must be, in peace, by full and disciplined garrisons;—if well provided, and calculated to stand regular sieges, as the present plan professed,—and if extended to all the objects to which the system must inevitably lead,—whether they were to be considered as inducements to tempt a weak prince to evil views, or as engines of power in case of an actual rupture,—would, in truth, promise tenfold the means of curbing and subduing the country, that could be stated to arise even from doubling the present military establishment;—with this extraordinary

aggravation attending the folly of consenting to such a system, that those very naval stores and magazines, the effectual preservation of which was the pretence for these unassailable fortresses, would in that case become a pledge and hostage in the hands of the crown, which, in a country circumstanced as this was, must ensure an immediate naval submission to the most extravagant claims which despotism could dictate.

Such was the sum and substance of the argument used by Mr. Sheridan, to prove that the measure proposed was dangerous and unconstitutional. But, if it be admitted (and Mr. Sheridan conceded the point, for the sake of the argument) that our fleet might, in time of war, be absent for the specified time; that the French might land a force sufficient for the destruction of the dock-yards; and that the dock-yards could not resist such attacks without the fortifications proposed;—is there a man, endowed with the powers of reasoning and discrimination, prepared to say, that the mere dread of having a King, who would go to war with his people, and employ his troops against them, and who would be tempted to enter on a contest at once so unnatural and so desperate, by having these fortifications to fly to for protection, should operate as a sufficient reason for the rejection of the plan?—It would be an insult to

the sober-minded inhabitants of this country, to admit the supposition. Mr. Sheridan, however, advanced more specious and more solid arguments against the measure, derived from the difference of opinion among the officers, to whose consideration the plan had been preferred, and from the insufficiency of the plan itself for the alleged purpose of protection and defence. The House was exactly balanced on the question, and the motion was negatived by the casting vote of the Speaker.

Early in the present session, Mr. Pitt had adverted to that part of his Majesty's speech, which recommended the adoption of means for the reduction of the national debt to the House. This was a subject which had long occupied the attention of the minister, who had conceived the most serious apprehensions from the increasing burthens of the country, and had feared, that, without the application of some countervailing measure, it would be a matter of difficulty to find resources for the support of any future war. But, while he entertained these fears, he saw, in the growing prosperity of the nation, the most ample means for providing the necessary remedy; and he represented, indeed, the state of the revenue to be so flourishing as actually to yield a considerable surplus beyond the annual expenses. This surplus he declared his intention of apply-

ing to the liquidation of the national debt; and he proposed, as a preliminary step to the adoption of his intended plan, that the several accounts and other papers on the subject of revenue, which had been recently presented to the House, should be referred to the consideration of a select committee, which should be directed to examine and report to the House the annual amount of the increase and expenditure in future. This motion met with the unanimous concurrence of the House, the committee was appointed, and their report was laid on the table on the twenty-first of March; and the twenty-ninth was fixed upon, by Mr. Pitt, for the developement of his scheme.

On that day, accordingly, he entered into a clear and perspicuous exposition of the state of the revenue, and of the plan which he had to submit to the House. From the investigation of the committee, it appeared that the actual expenditure was £14,478,181, and the revenue of the year 1805, £15,379,18,1, leaving an actual surplus of more than £900,000. He demonstrated, by a plain and satisfactory mode of reasoning, the probability of a considerable increase in the receipts and the certainty of a dimunition in the expences. He proposed, however, to raise the existing supplies to one million, to be applied annually to the extinction of the debt;

and the additional sum necessary for this purpose, he intended to raise by taxes that would not be felt by the people. One penny per gallon additional duty upon spirits was calculated to produce £70,000, a small duty on deals and battens imported, was estimated at £30,000; and £15,000 or £20,000 more was to be raised by a tax upon perfumery and hair-powder.

In the period of twenty-eight years, which was "but an hour in the existence of a great nation" the sum of a million, annually improved, would amount to four millions per annum. But Mr. Pitt was anxious to take such precautions as would effectually prevent this appropriated fund from being diverted to any other purposes. Such diversion had been the bane of this country; for, had the original sinking fund been properly preserved, it was easy to prove, that the existing debt would be comparatively light. Every means hitherto adopted for this purpose had proved futile, for the minister of the day had uniformly, when it suited his convenience, applied to that fund which ought to have been regarded as sacred. The mode which Mr. Pitt proposed for preventing the recurrence of a similar practice, was, to vest the million in certain commissioners, to be by them employed in the quarterly purchase of stock; by which means no large sum would ever be ready to be

seized upon, on any occasion, and the fund would proceed without interruption. By the quarterly payment of £250,000 in the hands of commissioners, it would be impossible to use the money by stealth, and the advantage of the plan would be too well experienced and acknowledged ever to suffer a public act for that purpose. A minister would not have the confidence to go to that House, and desire the repeal of so beneficial a law, which tended so directly to relieve the people from their burthens.

The persons, Mr. Pitt observed, to whom this trust was to be delegated, should be men of rank and distinction, so as to place them above suspicion, and to afford, as far as character could go, a confidence in their integrity for the faithful discharge of their duty. He deemed it expedient that the Speaker of the House of Commons, for the time being, should be placed at the head of it. Parliament, he thought, in constituting a commission of so much importance towards the support of national credit and prosperity, could not more solemnly, nor more pointedly, promulgate its high sense of the duty by which that commission was bound, than by appointing the first member of the House to preside over it. He was also of opinion, without ascribing any thing personally to himself, that the individual

who held an office so intimately connected with finance as the chancellor of the exchequer, ought to have a place in such a commission. The master of the rolls he deemed proper, from his high rank, as well as from his virtues and reputation, to be another commissioner. He then proposed the governor and deputy governor of the Bank of England; and, lastly, the accountant-general of the high court of chancery, who, by virtue of his office, was already employed in disposing of the money of all suitors and wards of chancery in the funds, and of increasing, by that means, the capital, by the accumulation of compound interest.

Mr. Pitt proposed, that the 5th of July following should be the period at which this sinking fund should begin to operate. At that time £250,000 were to be paid into the hands of the commissioners, and the same sum every quarter. This money was to be expended in the purchase of stock, on every transfer day in each quarter, at regular periods, and in equal sums. He then moved: "That a sum of one million be annually granted to certain commissioners to be by them applied to the purchase of stock, towards discharging the public debt of this country, which money shall arise out of the surplusses, excesses, and overplus money, composing the fund, commonly called the sinking fund."

There was no difference of opinion manifested by the House, as to the principle of the measure, of making the receipts so far exceed the expenditure, as to leave a considerable surplus, to be applied to the liquidation of the national debt. But considerable objections were started to the mode, by which Mr. Pitt proposed to carry this principle into effect. The accuracy of the calculation, by which an existing excess of £900,000 was made to appear, was first attacked, as being founded on loose and uncertain data, not warranted by the actual state of the finances, or by the prospect which the situation of the country presented. These objections were supported chiefly by Mr. Fox, Sir Grey Cooper, and Mr. Sheridan, the latter of whom embodied them into the following series of resolutions, which he presented to the House, on the 4th of May.—" 1. That the expected annual amount of the national income stated on the report of the committee, appeared in no respect to have been calculated upon the average receipts of a number of years, but was fixed at the amount of the produce of one year only, with the addition of the probable increase of the new taxes. 2. That it appeared, that the account of the annual expenditure, as opposed to the amount of the income so calculated, was not a statement of the present existing expendi-

ture, or of that which must exist for some years to come, but was formed from the probable reductions, which, it was alleged, would have taken place, in the prospect of permanent peace, towards the end of the year 1791. 3. That the different branches of the revenue, in the period upon which the future was calculated, appeared to have been singularly productive, particularly in the customs. 4. That it did not appear, that any means had been taken, or information called for, in order to ascertain, whether such an increase of revenue had arisen from causes, which were likely to have a permanent operation, or otherwise; and that such an investigation was indispensably necessary. 5. That the uncertainty of estimating, by such a criterion, the expected future produce of the revenue, was still more evident upon a comparison of the quarter-day, ending the fifth of April last, with the same quarter in the preceding year, upon which the future income was calculated, by which it appeared, that the amount of the latter quarter was inferior in the article of customs, by the sum of £188,215. 3*s.* 4*d.* to the former. 6. That in the said report, there were certain articles of receipts, erroneously stated, as proper to be added to the future annual income, and other articles of expence, erroneously omitted, to be added to the expenditure. 7. That the sums voted, and to be

voted, for the present year, considerably exceeded £15,397,471. 8. That the means by which the deficiency was to be made good, arose from aids and debts, that belonged to the present year only. 9. That there was no surplus income now existing, applicable to the reduction of the national debt. 10. That a surplus increase in the ensuing quarters, could arise only in the renewal of a loan for an extraordinary million, borrowed upon exchequer bills in the last year, and which it would be unnecessary to make, but for the purpose of receiving that surplus. 11. That an extraordinary increase of exchequer bills was an inexpedient anticipation of that assistance, which government might receive in the event of a peculiar emergency. 12. That the saving to the public upon the interest of the money borrowed in this way, was rendered precarious by the necessity for the more speedy issuing of such bills, in order that the object for which the loan was made, might be effectually answered. 13. That, admitting, that by the foregoing means the expected surplus would arise upon the three ensuing quarters, it appeared, that there would then be an interval of nearly four years, before the commencement of that permanent peace establishment, which was to furnish, in the reduction of its services, the expected surplus. 14. That in this period it appeared, from the vouchers annexed to the

report, and other papers, that a sum amounting to four millions, besides two million due to the bank, would be wanted above the stated annual income. Finally, that for this sum of six millions, there appeared to be no adequate provision or resource."

These resolutions not being supported by any arguments which could convince the House of the fallacy of those calculations, which they condemned as erroneous, or of the insufficiency of those data which they went to overthrow, were negatived without a division.—They related, as will be perceived, only to the first head of objections. As to the other ground of objection, the improper mode of applying the fund, it was charged to be highly impolitic to render the sums to be appropriated to it *unalienable*, under any circumstances whatever; as by that means the revenue of the country would be tied up in a manner that might materially impede the necessary operations of government. It was also contended, that the present large amount of unfunded exchequer bills, which were to be charged on the aid of the next session, would become a serious evil, as they would be the means of reducing the commissioners to the necessity, from the quantity that would be in the market, to buy their stock dear, and to sell it cheap, and consequently defeat the very plan in question.

In order to remedy this evil, Mr. Fox moved a clause to impower the commissioners named in the bill, to accept so much of any future loan, as they should have cash belonging to the public in their hands to pay for. This, he said, would remove the great objection which he had to the bill, on account of its making the sinking fund unalienable, and it would relieve that distress which the country would otherwise experience, when a new loan was to be raised for the support of a war; whenever that should be the case, it was his opinion, that the minister should not only raise taxes sufficiently productive to pay the interest of the loan, but also sufficient to make good to the sinking fund, whatsoever had been taken from it. If, therefore, for instance, at any future period, a loan of six millions was proposed, and there was at that time one million in the hands of the commissioners, in such case they should take a million of the loan, and the bonus, or douceur thereupon, should be received by them for the public.

Mr. Pitt received this clause with the strongest mark of approbation, as well as another proposed by Mr. Pulteney, to enable the commissioners to continue the purchase of stock for the public, when at or about par, unless otherwise directed by Parliament. The bill finally passed the House of Commons on the

15th of May. It met with little opposition in the House of Lords, and, of course, very soon received the royal fiat, and became a law.

Among the objects adverted to in the speech from the Throne, at the opening of the session, was the improvement of the revenue, by the adoption of measures for the increase of those funds, which in certain branches of it continued to decrease. Mr. Pitt accordingly brought this subject before the House on the 22d of May, when he proposed to transfer certain duties on wines, from the customs to the excise. The motive for this proposal was the great diminution of the amount of the duties on such wines; so great indeed was this diminution as almost to exceed belief; for the duties were found, at that period, to yield £280,000 less than they had yielded in the middle of the preceding century, although it was perfectly clear, that the consumption had materially increased. The defalcation was supposed to proceed from two causes,—a large contraband trade in foreign wines, and the sale of a beverage brewed at home, and passed off as foreign wine. He proposed to remedy this evil by charging a duty on spurious wine, equal to that now paid on the real foreign wine, and by subjecting the latter to the excise. Mr. Pitt anticipated the objections which would be urged against this

measure, on the ground of the extension of a system which the House had always regarded with an eye of jealousy; but he had taken care to limit the extension to the particular case, and even in that he only permitted the officers of excise to enter the cellars and warehouses of such as dealt in wine, and not the dwelling-houses, even of such dealers.

But, though the objection was anticipated, it was nevertheless urged with considerable force. It was contended, that the practice of guaging was not applicable to such an article as wine; because the constant alterations of the quantity of stock would baffle every attempt to keep a regular account. The other objection, however, founded on the impolicy of ever extending the excise laws beyond their actual limits, was pressed with much greater strength. It is not possible, indeed, to be too cautious in admitting the extension of a principle which can only be justified by necessity. The inquisitorial visits of excise officers should be most strictly limited to the places in which exciseable articles are deposited for sale. And, if ever, through the weakness or profligacy of a minister, and the supineness or indifference of Parliament, such officers should be allowed, under any pretence, to violate the domestic privacy of individuals, an inroad would be made on the

constitutional liberties of Britons, which no increase of revenue could repair, no national prosperity compensate. On the 29th of June, the bill, containing these remedies, passed the House of Commons; and soon after, it passed the other House without a division, though part of it was strongly opposed by Lord Loughborough.

During this session, the attention of the House was much occupied with the charges preferred against Warren Hastings, late Governor-general of India. In an early stage of it, Major Scott, who had been in a situation of confidence about the person of Mr. Hastings, and who had now a seat in the House, called upon Mr. Burke to prosecute the charges which he had before preferred against Mr. Hastings, who was now returned from India, and who was not only ready, but anxious, to meet them. Mr. Burke replied by observing, that when the great duke of Parma was challenged by Henry the fourth of France, to bring his forces into the open field, and immediately settle their disputes, he answered with a smile, that he very well knew what he had to do, and was not come so far to be directed by an enemy.— The anecdote was by no means apposite, for a member of Parliament, who openly taxes a public officer in a high situation, with criminal conduct, is bound, both in honour and justice,

to bring the party to trial, and so to give him an opportunity of defence against the charges preferred against him; and he is not in a situation in any respect analogous to that of a general, who certainly has the option either to court or to decline an engagement. Nothing further, however, was said at the time, but on the 17th of February, Mr. Burke called the attention of the House to the subject. He then took a view of all the proceedings of the House respecting the affairs of India, marking the various instances of misconduct imputed to the company's servants, and noticing the royal approbation, which had been bestowed on the different inquiries which had been instituted, as well as the result of those inquiries. It was upon this sanction he stood forward as the accuser of Mr. Hastings, whom he held up as a delinquent of the first magnitude. Mr. Burke then went over the various modes of proceedings usual in such cases, and gave a decided preference to an impeachment. But he advised the House to proceed with great caution, and to examine all the documents which could be obtained before they framed their articles. It would seem, indeed, to be most consistent with justice, and most consonant to the accustomed modes of proceeding in criminal cases, in other courts, to examine all documents necessary to substantiate the

charge of guilt, before the charge is preferred; and not first to prefer the charge, and then to search for evidence to support it. This is a mode peculiar to the House of Commons, and arising out of the extraordinary character which that House assumes, when it acts in any thing like a judicial capacity; frequently appearing as accuser, party, and judge—an anomalous combination which no friend of justice can contemplate with satisfaction, or without alarm. Mr. Burke moved for various papers, which he alleged contained evidence relating to the subject.

Mr. Burke had insinuated, that this matter should have been taken up by Mr. Dundas, who had been chairman of the secret committee. That gentleman rose to vindicate his own conduct. He admitted, that he had himself suggested the resolutions, which had for their object the recal of Mr. Hastings, which, at that time, he thought a matter of expediency, nor had his sentiments undergone the smallest change. But the subsequent conduct of Mr. Hastings had been highly meritorious, and, therefore, he had approved the vote of thanks which the court of directors had conferred upon him. There was certainly no inconsistency in such conduct. Mr. Fox, however, entertained a different opinion, as he pressed the charge of

inconsistency against Mr. Dundas with great asperity. Mr. Pitt answered him, observing, that such a charge came with a very bad grace, from one whose conduct in the coalition, which he had formed with a person whom he had been in the habit of loading with the most extravagant reproaches, had sufficiently explained to the public his notions of consistency. He insisted, that the resolutions which had been referred to contained no pledge to punish, or to prosecute. They only recommended, as advisable for the restoration of peace, and the recovery of confidence in India, to recal certain servants of the company.—Whether the conduct by which the confidence of the native powers had been lost, was imputable as a crime to those servants, was a totally distinct consideration. He agreed with his opponents, that, if guilt existed, and was to be prosecuted, Mr. Dundas was full as proper to conduct the prosecution, as any of those gentlemen into whose hands it was likely to fall. But as it had been said, in the course of debate, that there were occasions when the formal rules of common justice might be overleaped, and a prosecution conducted with violence and resentment, rather than by the dull forms of ordinary proceedings, perhaps, considering the present business in that point of view, the gentlemen who had taken it up were the fittest people to be entrusted with it.

Mr. Pitt did not object to the production of the first papers, for which Mr. Burke moved, but expressed a hope, that he would inform the House, as early and as explicitly as possible, of the nature and extent of the charges which he intended to make. When Mr. Burke, however, proceeded to move for various other papers, he was asked why he did not first bring forward a specific accusation, when the House would be enabled to judge whether the papers required had a reference to the charge or not. The conversation ended by the acquiescence of the accuser in the justice of this requisition, for he read an abstract of the charges which he meant to prefer. These were twenty-two in number;—first, the Rohilla war; second, the detention of revenues of the province of Cola, Alla Habad; third, the proceedings respecting Cheit Sing; fourthly, the conduct towards the princessess of Oude; fifth and sixth, the ill-treatment of two Rajahs; seventh, extravagant contracts made by Mr. Hastings in the name of the company; eighth, illegal presents; ninth, disregard of the orders of the East India Company; tenth, eleventh, and twelfth, extravagant contracts on account of the company, and enormous salaries bestowed on officers of his own institution; thirteenth, ambassadors sent to Arcot and the Deccan; fourteenth, the Mah-

ratta treaty; fifteenth, the management of the revenues of Bengal; sixteenth, the ruin of the province of Oude; seventeenth, the dismissal of Mohammed Khan from the internal management of Bengal; eighteenth, treatment of the Mogul; nineteenth, a libel upon the directors; twentieth, the Mahratta war; twenty-first, the suppression of correspondence; twenty-second, the treatment of Fizullakham. Having read this abstract, Mr. Burke pointed out the relation which the papers he had moved for had to the charges. The papers were granted; but other papers moved for on a subsequent day, relative to the peace with the Mahrattas, were refused, on the ground, that, if they were produced, they would unfold transactions improper to be disclosed, on grounds of public policy. The refusal gave great displeasure to the opposition, who endeavoured to convince the House, and the public, that it came from a wish on the part of ministers to crush the enquiry in its birth. They brought forward the same question on two subsequent days, but it was again rejected by the House.

On the 4th of April, Mr. Burke formally charged Warren Hastings, esq. late governor-general of Bengal, with sundry high crimes and misdemeanors, and delivered at the table of the House of Commons, the nine first articles of his charge, and the other thirteen in the course of

the following week. Mr. Hastings petitioned the House to have a copy of the articles, and to be heard in his own defence. The former request Mr. Burke opposed, but complied with the latter; the House, however, granted them both, and rejected a motion of Mr. Burke for the House to resolve itself into a committee, and to hear evidence. The rejection was founded on the possibility, that the defence of Mr. Hastings might be so satisfactory, as to preclude the necessity of all further proceedings on the subject. This defence Mr. Hastings began to read, at the bar of the House, on the 1st of May; and it occupied three days; after it was gone through, it was laid on the table, and ordered to be printed for the use of the members.

On the first day of June, Mr. Burke opened the first charge on the Rohilla war, and having adduced all the arguments and facts which his ingenuity and industry could devise and collect in support of it, moved, that it afforded just grounds for impeachment. The debate lasted two days, when the majority being of opinion, that the war was unavoidable, the motion was rejected by one hundred and nineteen votes against sixty-seven. On the 13th of June, the charge relating to the oppressive, tyrannical, and cruel conduct to Cheit Sing, the Rajah of Benares, imputed to Mr. Hastings, was brought forward by Mr. Fox,

who concluded his speech with a similar motion to that of Mr. Burke. On this occasion Mr. Pitt delivered his sentiments, and clearly proved, by the line of argument which he pursued, and by the conduct which he observed, that he was determined, throughout the whole of this important business, to disconnect it entirely from all party considerations, to divest himself of all political passions and prejudices, in the examination of facts and the comparison of opposite assertions and testimony; to exercise his own free and unbiassed judgment upon every charge, and to deliver his own sober and solemn opinion, with firmness, but without invective, as became a man engaged in the exercise of a high judicial function. On the present occasion he lamented that his duty peremptorily forbade him to do that which his inclination suggested,—to absent himself entirely from the whole proceedings; as he felt the greatest difficulty in being obliged to determine on judicial questions, the merits of which were so closely connected with Indian principles and habits; and that under the insurmountable impression of sentiments and feelings imbibed and matured under the British constitution. In proportion, however, to the magnitude of this difficulty, had been the pains which he had taken to surmount it, by the most laborious investigation,

which had enabled him to come to a conclusion satisfactory to his own mind. He observed, that in the discussion of such a subject, there ought to be no object in view, but the honour of Parliament, and the ends of impartial justice, which were necessarily and inseparably connected in the question. He should, therefore, take especial care not to enter upon the business with that sort of temper and spirit, by which some gentlemen seemed to be influenced, and should particularly guard against any impression, similar to that which Mr. Fox had been so desirous of making on the House, in a manner which he thought, of all others, the most unfair and most inconsistent with every principle of law and of justice, by torturing the words and arguments of a man standing on his defence, and drawing from them inferences of motives and of principles calculated to fix upon him, in many instances, a degree of guilt, which even the charges themselves did not impute. He should not suffer such means to bias him in voting a censure, where he did not think censure deserved; nor should he suffer his indignation at such unjustifiable conduct so far to get the better of him as to make him withhold such a vote, when he was in conscience bound to give it.

Mr. Pitt then took a concise but comprehensive and satisfactory view of the situation of the zemindars in India, of the nature of their tenures, and of the ties by which they were bound, and the duties which they owed, to their superior lords. He here clearly shewed, that he had made himself complete master of the subject, which he explained in so simple and perspicuous a manner as to render it comprehensible by the plainest understanding. His general conclusion was, that the zemindars are bound, on all occasions of great emergency, to contribute, either in men or money, in a proportion suitable to their own ability, and to the exigency, of the public; and, in the application of this principle to the case in point, he contended, that the East India Company, as sovereigns of Benares, had the right to call for such contributions on the Rajah, at the period in question. In the course of this discussion, Mr. Pitt strongly censured the conduct of Mr. Francis, who, as a member of the council of Bengal, had sanctioned some of these very proceedings of the governor-general, which, as a member of the British House of Commons, he now reprobated. Such conduct, Mr. Pitt said, afforded some suspicion, that even at the time when Mr. Francis might have exerted himself to prevent many improper steps from being taken, he sate by, contemplating, with a

secret satisfaction, the errors of Mr. Hastings, as laying the foundation of future prosecutions against him.

Mr. Pitt maintained, that the question for the House to decide was, whether in the transaction in question, the conduct of Mr. Hastings could be justified by the necessity of the case, or whether it had gone beyond that necessity. Having proved that the original proceedings against Cheit Sing were perfectly justifiable, he declared his opinion, that the subsequent conduct of the governor-general, in imposing a fine of half a million on that Rajah for his delay in the payment of a contribution of fifty thousand pounds, was oppressive and unjust; but he specifically limited his censure to the exorbitancy of the fine, and expressly protested against any extension of it to other parts of the charge.

In noticing the second part of the charge, he made some particular animadversions on the manner in which it had been opened by Mr. Fox. This part was entitled, *Designs of Mr. Hastings to ruin the Rajah of Benares;* and it was stated in the charge, that as soon as Mr. Hastings found himself in a majority at the council, (in which he had been before out-voted) by the deaths of General Clavering and colonel Monson, he suddenly made use of his power to enforce the demand of an extraordinary sub-

sidy from Cheit Sing, in order to furnish himself with the means of wreaking his vengeance on that prince. Mr. Pitt desired the House to pause for a moment, and to consider the full force of the insinuation contained in these words. Could there be a more malignant charge brought against a man, than that which he had just stated? was it not of such a nature, that every one who heard it must necessarily conclude, that it was the intention of the accuser to impress the minds of men with an opinion, that this act of Mr. Hastings was the effect of a wanton and deliberate malice, long bent on an act of cruelty and injustice, to which he gave vent on the very first opportunity? Mr. Pitt forbore to lay any stress on the fact of Mr. Hastings having been in possession of a majority in the council from the death of Col. Monson, which had happened long before; all that it was necessary for him to state, as a complete antidote to every unfavourable impression to which the unwarrantable acrimony of the charge might have given birth, was, that two days before the resolution for exacting the five lacks of rupees from Cheit Sing had been proposed in the council, Mr. Hastings had received certain intelligence, that France was at war with this country. To have passed over such a circumstance as this, so obvious and so striking, and to discover a

motive so base and diabolical, as that which he had imputed to Mr. Hastings, could only be accounted for on principles extremely injurious to the candour and integrity of the member who had preferred the charge, or else on the supposition that the laborious and pertinacious attention which distinguished his conduct in every other part of the proceeding, was, in the present instance, more unfortunately for himself than for Mr. Hastings, *somewhat off its guard.* The resolution proposed by Mr. Fox, was carried by one hundred and nineteen votes against seventy-nine.

The discrimination exercised by Mr. Pitt, in the examination of this charge, and in his vote upon it, was pleasing neither to the accusers nor to the friends of the party accused; by both of whom he was openly censured, and by whom motives were imputed to him, which he certainly never entertained. While one side wished him totally to exculpate the governor-general, the other was dissatisfied with the limitation of his censure to a particular point. His conduct, however, was such as justice demanded, and as conscience approved. He had no notion of mixing judicial decisions with political considerations; and, in examining the grounds of a serious accusation, upon which he was called upon to decide, it never appeared to him necessary to enquire by whom it was pre-

ferred, against whom it was directed, or in what motives it originated, with any view to form his decision on the result of such enquiry. He knew, that whenever the spirit of party was suffered to interfere with the administration of justice, it gave to justice its own nature and complexion, sullied its purity, and perverted its decrees. The history of his own country supplied him with lamentable instances of the evil effects of converting politicians into judges; he was fully aware that, in the assembly to which he belonged, judicial questions were not less liable to the operation of passion and prejudice, than those of a nature purely political; and he therefore wisely resolved to give his judgment fair play, and to take his conscience for his guide. Yet, it is a melancholy truth to observe, that so seldom is this rule of conduct adopted by public men, that it never fails to excite surprise, and to subject the party who pursues it to imputations of insincerity, which, however, can reflect disgrace on those only by whom they are cast.

During these proceedings, a bill was introduced by Mr. Dundas, for improving the government of India. The suggested means of improvement was to strengthen the hands of the governor-general, who, by divisions in the council, had frequently found it difficult to

carry his plans into effect. With this view it was proposed to vest in him the power of filling up the vacant seats in the council, by nominating the new members, to unite in his person the offices of governor-general and commander in chief of the forces; and to authorize him to decide on every measure, whether his council agreed with him or not. Thus the whole responsibility would be thrown on the governor-general. The bill was opposed by Mr. Burke, who reprobated the introduction of an arbitrary government into our Indian possessions; and denied that it would tend to produce energy, vigour, and dispatch; its constant features being weakness, debility, and delay; and, for the proof of this assertion, he appealed to every arbitrary government which ever existed. Unfortunately, however, it could be only necessary to look into the page of our own history to find the reverse of this proposition established beyond the possibility of doubt. For at the commencement of every war, in which this free country has been engaged with the arbitrary government of France, we have found, to our cost, that such were the superior energy, vigour, and dispatch, which marked the operations of the enemy, as generally to give her a decided advantage, until the necessary time had elapsed for bringing our resources into

action. In defence of the bill it was urged, that the power now proposed to be vested in the governor-general, was already exercised by the council, and that the despotism of one was not more objectionable than that of two or more. The governor, henceforth, would not be able to do more than he could have done with the concurrence of the council before; and all the mischiefs and misfortunes which had for years occurred in India were asserted to have arisen entirely from the party principles of the members of the different councils in existence there, and from the factious scenes which these councils had, almost uniformly, presented. The bill was supported by considerable majorities in both houses, and passed into a law.

This was the last act of the session, which closed on the 11th of July with the usual speech from the throne.

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CHAPTER VIII.

Reflections on the *natural enmity* subsisting between Great Britain and France—its supposed origin, and its consequences—Treaty of Commerce between the two countries—Communicated to Parliament in the King's Speech—Objected to by Mr. Fox—Mr. Fox's Antigallican principles commended as truly patriotic—He is answered by Mr. Pitt—Discussion of the Treaty—Its provisions explained, and its principles defended, by Mr. Pitt—Opposed by Mr. Fox, who combats the principles and opinions of Mr. Pitt, and justifies the Antigallican Spirit of our Ancestors—Treaty supported by Mr. Grenville—Approved by a great majority of the House—Renewed discussions on the same topic—Mr. Fox attacks the contracted notions of Mr. Wilberforce—Further debate—Mr. Grey's maiden speech—Adopts the Antigallican principles of Mr. Fox, and reprobates any connection with France—Mr. Burke takes the same side of the question—The address, opposing the Treaty, carried—The measure discussed in the House of Lords—Opposed by the Bishop of Llandaff—Supported by the Marquis of Lansdowne—Approved by the House—Mr. Pitt opens his plan for simplifying the collection of the Revenue, by consolidating the duties of Custom and Excise—Traces the existing plan of Commercial Taxation to its origin, and exposes its defects—Inefficiency of the remedies hitherto devised—Three thousand resolutions necessary for carrying the new plan into effect—Panegyric on Mr. Pitt by Mr. Burke.

[1786] The leisure afforded by the Parliamentary recess was devoted by Mr. Pitt to the completion of a project which had long occupied his mind, and from the accomplishment of which he expected to derive the most important advantages to the country. In framing a commercial treaty with France, he had many difficulties to surmount, and many prejudices to subdue. The jarring interests of the two nations, in respect of numerous articles of commerce, and the jealousy which had, for ages, subsisted between them, presented obstacles sufficient to intimidate a mind less determined, and to baffle an understanding less acute and comprehensive, than his own. But Mr. Pitt was not to be deterred from the pursuit of any plan which offered essential benefits, by any difficulties which human perseverance could remove. It had long, indeed, been considered, that the *natural enmity* which subsisted between the two countries precluded the possibility of forming any treaty which could be productive of mutual benefits, and which could afford the smallest prospect of permanence, or even durability, in its operation. What that *natural enmity* was, few persons had taken the trouble to inquire, much less to define. The expression, however, had nothing so ridiculous nor so revolting in it as, at first sight, it might appear, to

a philosophic mind, to have. It was an enmity, of the existence of which no one could possibly doubt, because the evidences of it were so public, and so multiplied, as to satisfy incredulity itself. It had, probably, the epithet, *natural*, affixed to it, from the circumstance of its origin, in the relative situations in which the hand of nature had placed the two countries. They both had a considerable extent of coast, (each coast opposite to the other) which rendered them great maritime and commercial powers; made them both anxious to acquire extensive colonial possessions, and foreign trade, and, consequently, solicitous to establish a naval superiority over the rest of the world. Hence, their interests, their pursuits, and their efforts, were similar, or, at least, had a tendency to the attainment of the same objects. But there was, at the same time, this essential difference between them. France had the means of subsistence, of independence, and even of greatness, within herself; and, though so situated by nature as to render the acquisition of maritime power, and of a great foreign trade, both easy and desirable, they were not at all necessary for her existence or support; whereas they were essential, not only to the prosperity of Great Britain, but to her political greatness, and even to her independence. What had been the *effects*

of this enmity upon the governments of the two countries, it would be foreign from our purpose here to inquire; that it had been productive of wars which, without it, might, and probably would, have been avoided, is a truth, unfortunately, too well established by history to admit of a doubt; but that it had been attended with any other bad consequences, to either nation, or that it was good policy to endeavour to destroy it, is a point which allows of much diversity of opinion, and is not so easily to be decided. Indeed, the progressive prosperity of both countries, while it existed in full force, affords strong grounds for the belief, that its effects were rather advantageous than pernicious; nor would it be a difficult task to trace its beneficial operation to its source. It was not, however, by any means, a necessary consequence of its existence, that the two kingdoms should remain, for ever, estranged from each other, as to all political or commercial intercourse; or that it was impracticable to frame a treaty of commerce which would be productive of mutual advantage.

Such a treaty Mr. Pitt had resolved to accomplish, and had, accordingly, consulted every document, and every person, from which, and from whom, he could derive any information or knowledge, respecting the important

subject of his investigation. When he had sufficiently possessed himself of facts, and arranged his materials, in which he was materially assisted by lord Hawkesbury, (now earl of Liverpool) and by Mr. Eden, (now lord Auckland) he sent the latter to Paris, who concluded a treaty of navigation and commerce with the French minister, at Versailles, on the 29th of September.

[1787] This treaty was communicated to the two Houses of Parliament, in the King's speech, at the opening of the session, on the 23rd of January following. His Majesty, having ordered a copy of it to be laid before them, recommended them to take the earliest opportunity for adopting the necessary measures for carrying it into effect, and trusted, that they would find the provisions which it contained, to be calculated for the encouragement of industry, and for the extension of lawful commerce in both countries; and to be likely to give additional permanency to the blessings of peace, by promoting a beneficial intercourse between their respective inhabitants. It was not to be expected that a subject, at once so novel in itself, so important in its consequences, and on which such different opinions were known to prevail, would be suffered to pass *sub silentio*, even on the mere mention of it to the House,

and before a day should be set apart for its full and deliberate investigation and discussion.— Mr. Fox, who, from his first entrance into public life to this period, had allowed no opportunity to escape for expressing his apprehensions of the ambition, and his jealousy of the power, of France, and for promulgating principles and sentiments the most decidedly *Antigallican*, now availed himself of the allusions to the treaty in the proposed address to deliver his opinions on the subject. He alluded to the incontrovertible positions which had been strenuously contended for; that peace was preferable to war, and commerce to conquest; and that mutual jealousies were productive of frequent mischiefs; but he denied their applicability to existing circumstances. They were principles, he said, by which the policy of the British government had been wisely and uniformly guided for the last century; but it remained to be shewn, how far they would justify any innovation in our established system, should the treaty, which was soon to come under discussion, in fact, contain any such innovation. All the wars of Great Britain had been wars of necessity, and that jealousy of the power of France, which we were now called upon to lay aside, had been founded on the fullest experience of her ambitious designs. Where, then, was the necessity

of inculcating forbearance upon those who had never acted wantonly; or where was the prudence of arguing against a jealousy, to which we were indebted for the very security which we enjoyed?

While Mr. Fox deprecated all vulgar prejudices, as rules of conduct, he declared his opinion, that the external circumstances of the two nations rendered a rivalship, and, in some degree, an enmity between them inevitable; and that it was impossible to prevent them by any measure which human speculation could devise;—nay, he would not hesitate to pronounce, that, were such an event possible, it was not to be wished for by any lover of this country. He observed, that the treaty must be either of a commercial or a political nature; if, as he wished, it were a purely commercial, its framers would have to shew, that it would open to the country new and more beneficial channels of trade, than those through which she had hitherto derived her commercial prosperity and wealth; but if it were a political measure, and was intended to produce some more close and intimate connection with France, such as should render it more difficult, in future, for the two countries to go to war, than it had heretofore been, the ministers would then have to shew strong and satisfactory reasons for having pursued and concluded a mea-

sure so new in the history of these kingdoms, and of such infinite magnitude and importance.

He ventured, however, to prophesy, that such an attempt, admitting it to be safe and prudent, would prove vain and abortive. He entered upon a general view of the political conduct of France towards the different powers of Europe, and, most justly, concluded, that volatile as the French were as a people, the French cabinet had, for centuries, been more steady and uniform in its policy than any other. To raise that monarchy to unlimited power had been its unvarying aim; and he defied any man to point out a single instance in which the court of Versailles had suffered any opportunity to pass by which had the smallest tendency to promote its favourite object. He asked what ground there was for supposing that France had now changed her purpose, and adopted a different system of policy, and a different line of conduct? Her power was then greater than it had been in the reign of Louis XIV; and could any statesman be dupe enough to believe, that moderation, at a moment when it seemed least necessary, was the real and true motive which had induced France to accede to a treaty, which held forth the specious appearance of rendering all future hostilities between her and Great Britain almost impossible. But, perhaps, his

Majesty's ministers would furnish the House with some explicit and positive proofs of this great change in the politics of France, and of the sincerity of her friendly disposition towards us. They might as yet, he observed, be said to be in the honey-moon of their new connection; and he asked whether, during that fond period, they felt the influence of France greatly operating in their favour with the various powers with whom they were then negotiating alliances? The very reverse was well known to be the fact.

Mr. Fox adverted to the attention which France had recently paid to the increase of her navy, as a fresh proof of her hostile disposition to this country, and of her preparing for some favourable opportunity of indulging her inveterate animosity against her ancient enemies. And he expressed his belief, that there were men in the country (though he fully acquitted Mr. Pitt of any such charge), so lost to the memory of its former greatness, so sunk in their own base despondency, as to think it right for us, diminished as our splendor was, to seize the earliest opportunity of making terms with our rising neighbour, of forming an intimate connection with her, and, by that means, artfully securing her favour and protection.

These *truly British sentiments* did honour to Mr. Fox, and the hints which he threw out in the course of his speech were such as merited the most serious attention of those who were entrusted with the government of the country. He was censured by Mr. Pitt, with more asperity than the occasion called for; or the principles which he had advanced seemed to justify. Mr. Pitt combated these principles on the ground that they went to prove the necessity and the policy of a constant animosity against France, and militated, in the most direct manner, against both humanity and common sense. He asked whether Mr. Fox meant to recommend to this country such a species of political jealousy as should be either mad or blind; such a species as should induce her either madly to throw away that which was to make us happy, or blindly to grasp at that which must end in her ruin? Was the necessity of perpetual animosity with France so evident and so pressing, that for it we were to sacrifice every commercial advantage which might be expected to result from a friendly intercourse with that country; or was a pacific connection between the two kingdoms so highly offensive, that even an extension of commerce could not palliate it? For his part, he disclaimed the opinion, that the relative situation of Great Britain and France was such, as

precluded the possibility of an amiable intercourse; and he was sure, if such intercourse were not impracticable, the treaty then depending was the most likely of any measure to effect it. Such a treaty would make it the interest of each nation to cherish and preserve the connection between them, and would so essentially implicate and unite the views and convenience of a large part of each kingdom, as to ensure, as much as possible, the permanence of the system about to be established.

How soon such an event, as the overthrow of this project, by the restless ambition of France, as Mr. Fox had triumphantly predicted, might occur, he could not possibly foresee; but if war was the greatest of evils, and commerce the greatest blessing which a country could enjoy, it became the duty of those to whom public affairs were entrusted, to endeavour, as much as possible, to render the one permanent, and to remove the prospect and danger of the other. This he represented to be the object of the treaty in question. For the great advantages likely to accrue from it would not only strongly operate upon every succeeding administration in both countries, so as to induce them to avoid a war as long as it could be avoided with honour and prudence, but would also strengthen the resources towards carrying on a war, whenever

it should become indispensably necessary to engage in one. This was, he said, the true method of making peace a blessing, and that, while it was the parent of immediate wealth and happiness, it should also be the source of future strength and security. The quarrels between France and Britain had too long continued to harass not only those two great and respectable nations themselves, but had frequently embroiled the peace of Europe; nay, had disturbed the tranquillity of the most remote parts of the world. They had, by their past conduct, acted as if they were intended by nature for the destruction of each other; but he hoped the time was now come, when they should justify the order of the universe, and shew, that they were better calculated for the more amicable purposes of friendly intercourse and benevolence.

Mr. Pitt then noticed Mr. Fox's distinction between *commercial* and *political* treaties, and confessed his own inability to conceive a commercial intercourse between two nations, that must not necessarily have a powerful effect on their political conduct towards each other. And he concluded, by answering some objections which Mr. Fox had started to the treaty on the ground of its interference with existing treaties between this country and Portugal, in the article of wine, which treaties, he said, would not be affected by it.

Of the preliminary debates, it may be observed, that Mr. Fox was right in his general principles; and Mr. Pitt, in the particular application of his own doctrines to the immediate subject of discussion. The former had evidently founded his opinions on his experience of what the disposition of the two countries actually was and ever had been; while Mr. Pitt's notions were rather formed from his own wishes, and from his own conviction of what it ought to be. The principles of the former were such as ought never to be lost sight of by a British minister, never, for a moment, to be absent from his mind, when employed in negotiating any treaty with France: and the doctrines of the latter were indisputably good in theory, while the *experimental policy* which they naturally engendered was such as a great and generous nation ought so far to reduce to practice as to give it a fair trial, without, however, the smallest sacrifice of the wise principles of our ancestors, or the least departure from that jealous caution which their wisdom taught them to observe. It may be supposed, that Mr. Pitt's hopes of producing, by this treaty, that amicable intercourse, and that benevolent disposition, on which he dwelt so much, and which he prized so highly, could not be very sanguine: and, indeed, the good Abbè de St.

Pierre's project for a perpetual peace was scarcely less chimerical.—Still this consideration, purely political, could not affect the commercial advantages of the treaty.

On the 5th of February it was proposed to fix the Monday following for taking the treaty into full consideration. The proposition, however, gave rise to a long, and rather warm debate; the opposition contending that the time was too short for the House and for the country to form their opinions of a measure which went to repeal the established laws, and to reverse the most approved maxims of our ancestors; to break the bonds of our old alliances, and to connect us with those whom we had long regarded as our rivals and our foes. On the other hand it was maintained, that the time was amply sufficient, as the whole business had been four months before the public, and as the importance of the measure would certainly ensure a full attendance, without the necessity of a call, which had been strongly insisted on by the opposite party. Considerable asperity of language passed between Mr. Pitt and Mr. Burke on this occasion; but the House supporting the minister, Monday, the twelfth of February, was fixed upon for the grand debate.

As soon as the House was opened on that day, a petition was presented from certain

manufacturers, requesting that the House would come to no final decision on the treaty until *they* should have had leisure to *understand it.*—It met, of course, with the fate which a petition, so framed, deserved; and the House proceeded to the discussion. On this occasion Mr. Pitt, in a speech of three hours, took a full view of the treaty with France; its nature, contents, and probable consequences. He observed, that the resolutions which he had to propose to the committee, in that stage of the business were, first, that the committee should agree, that all articles not enumerated and specified in the tariff, should be importable into this country, on terms as favourable as those of the most countenanced nation, excepting always the power of preferring Portugal, under the provisions of the Methuen treaty: second, that if any future treaty should be made with any other foreign power, in any articles either mentioned or not mentioned in the present treaty, France shall be put on the same, or as favourable, terms as that power: and, third, that all the articles enumerated and specified in the tariff, shall be admitted into this country on the duties, and with the stipulations, stated in the sixth article of the treaty.* He thus con-

*For the treaty itself, see Appendix B.

fined himself to the *commercial* part of the treaty, nor was even all which belonged to that part, comprehended in the scope of these resolutions. He called upon the committee to consider the relative state of the two kingdoms. It was a fact, generally admitted, that France had the advantage in the gift of soil and climate, and in the amount of her natural produce; while England was as confessedly superior in her manufactures and artificial productions.

He admitted, then, that in respect of national produce, France had greatly the advantage in this treaty. Her wines, her brandies, her oils, and her vinegars, particularly the first two, were articles of such importance as greatly and completely to destroy all idea of reciprocity as to the productions of the soil, we having nothing to put in competition with them, except, perhaps, our beer; which ought not to be taken into the account, because beer is a beverage of which a very small portion indeed would be consumed in France. But, on the other hand, Britain possessed some manufactures exclusively her own, and in others had such a decided advantage as to set competition at defiance. Such was the relative situation, and such the precise ground on which it was conceived, that a valuable correspondence and connection between the two countries might be established. Having each its own and distinct staple; having each that which the other

wanted; and not clashing in the great and leading lines of their respective riches, they might, like two great traders in different branches, enter into a traffic, which would prove mutually beneficial to them. Granting, that a large quantity of the natural produce of France would be brought into this country, we should certainly send, on our part, more cottons by the direct course which would now be opened to us, than by the circuitous course by which they had hitherto been sent; and more woollens than when they were restricted in their importation to particular ports, and burthened with heavy duties. More of our earthen ware, and of other articles which, under every disadvantage, forced their way, from their intrinsic superiority, regularly into France, would now be exported thither in greater abundance. And the aggregate of our manufactures would be greatly and eminently benefitted in going to this market, loaded only with duties of from twelve to ten, and in one instance of only five, per cent.

As a proof that the advantages in this respect were sensibly felt by the manufacturing interests, Mr. Pitt instanced the absence of all petitions on the subject.—The fact was evident; a market of so many millions of people—a market so near and so prompt—a market of expeditious and certain return, of necessary and extensive

consumption; this, added to the manufactures and commerce of Britain, was an object which we ought to look up to with eager and satisfied ambition. To attain such an object, we certainly ought not to scruple to give liberal conditions; we ought not to hesitate because that which would be so highly advantageous to us, must also be beneficial to our rivals. It was a great boon procured on easy terms, and as such, we ought to consider it. It was not merely a consolatory, but an exhilarating, speculation to the mind of an Englishman, that after the empire had been engaged in a competition the most arduous, and most imminent, of any which had ever threatened a nation —after struggling for its existence, still it maintained its rank and efficacy so firmly, that France, finding it could not shake her, now opened its arms, and offered a beneficial connection with her on easy, liberal, and advantageous terms.

We had agreed, by this treaty, to take from France, on small duties, the luxuries of her soil, which, however, our own refinements had converted into necessaries. The wines of France, clogged as they now were with heavy duties, already found their way to our tables; it could, then, be no injury to admit them on easier terms, nor would their admission supplant the wines of Portugal, or those of Spain, but would only sup-

plant an useless and pernicious manufacture in this country. The next article was Brandy, which was already smuggled into the kingdom in such quantities as to render the reduction of duty an eligible measure of finance. The other objects, both of natural produce, and of manufacture, Mr. Pitt enumerated, and contended, that the introduction of them into this country, on the terms specified in the treaty, could be productive of no injury, while it would prove a certain source of wealth.

It had been contended, that no beneficial treaty could be formed between Great Britain and France, because no such treaty had ever been formed; and because, on the contrary, commercial intercourses with her had always been injurious to England. But Mr. Pitt maintained that this reasoning, well as it sounded, was completely fallacious; for, in the first place, we had not, during a very long series of years, had any commercial connection with France, and could not, therefore, form a rational estimate of its merits; and, secondly, though it might be true, that a commercial intercourse, founded on the treaty of Utrecht, would have been injurious, it did not follow that this would be the case at present; because, at that time, the manufactures, in which we now excelled, were scarcely in existence, and were on the side of France instead of being against her. The tariff did not then, as

now, comprehend all the articles in which we comparatively excelled; but, in addition to her produce, which at all periods must be the same, France had the balance of manufactures also in her favour. At that period, too, the prejudices of our manufacturers against France were at their height, and corresponded with the party-violence of the day in the reprobation of the measure; but so far was the Parliament from entertaining the idea, that any treaty which could be made with France must be detrimental to us, that they presented an address to the Queen, praying her to renew the commercial negotiations with the court of France. France had been more jealous of us, than we had been of her.—Prohibitions began, on her part, and we only retaliated in our own defence: he then again adverted to the advantages which the revenue would derive from the treaty; for though a considerable reduction of duty would take place in the articles of wines and brandy, still the check that would be given to smuggling, and the consequent increase of the quantity legally imported, would make the receipts much greater than they had ever been.

Mr. Pitt having gone over this ground, stated the simple question, for the consideration of the committee, to be—whether, if the situation of the two countries was changed in its relative aspect—if it was true, that, at the treaty of Utrecht, we had but little to send to France,

and that now we had much to send her—that our manufactures were so confessedly superior as to dread no competition, and as greatly to counterbalance the natural produce of France,—we ought not to enter into the treaty;—or, whether there was some preposterous and inscrutable, as well as fixed and eternal, something between the two countries, which must prevent them from ever forming any connection, or cherishing any species of amity? Having decided this point, they were next to consider how far this treaty would affect their commercial treaties with other powers. And he clearly proved, that it would not affect them in the smallest degree, since a right was expressly reserved of securing to Portugal, should the British legislature think fit, all the advantages of the treaty of Methuen.

After summing up his argument on the commercial part of the question, he proceeded to examine the treaty in its political aspect, and he began this examination with an analysis of a report which had been made to the general chamber of manufacturers. These manufacturers had asked, "what laws must be repealed to make room for the French treaty?" They needed not to suspend their opinions of the treaty simply on this ground; they might have left the task of discovering these laws to parliament, unless they meant to take from parlia-

ment the trouble of legislation. The enumeration which they had made was singular. They had found out that the alien's duty must be repealed. In confirmation of this assertion, they had thought proper to observe, that, besides the laws restraining exportation, there were many others which, in favour of our own manufactures, prohibited the importation of foreign goods, as the 4th of Edward 4th, chap. 1. by which no cloths wrought beyond sea could be brought into England, and set to sale. That the 3d of Edward 4th, chap. 1. 3d and 4th; the 1st of Richard 3d, chap. 12: The 7th Elizabeth, chap. 7: The 13th and 14th Charles 2d, chap. 13; contain a variety of prohibitions to import a great number of articles in the woollen, iron, copper, and glass manufactures, every one of which laws must necessarily be repealed: and that it had also been proved by a law, 1st of Richard 3d, chap. 9, and 32d of Henry 8th, chap. 15, "That no alien shall sell by *retail*, nor take any lease of a house or shop to trade in." And they added, that it might be proper to remark, that any relaxation of the laws to prevent the clandestine landing of goods would have a worse effect upon our manufacturers, than even a direct importation upon certain duties; and that, by the free approach allowed to French vessels upon the coast, and the time allowed by the treaty to make

entries, and to correct them when made, an alteration of the custom-house laws (made as well for the protection of fair trade, as for the collection of the revenue) must take place, from which they apprehended great mischiefs would ensue.

Mr. Pitt here observed, that he believed a well-founded opinion prevailed at the bar, that the statutes of Richard 3d, and Henry 8, imposing that odious duty, were, in fact, no longer in existence. The petitioners talked of a vast number of articles which would be clandestinely imported and exported; of the encouragement to smuggling by the re-approach to our shores, although that re-approach was pointedly confined to ships driven by stress of weather; and the danger of alteration of entries—and that, by taking off the old prohibitions, their wool, their fuller's earth, nay, their tools, their utensils, and their secrets, would be transmitted to their rivals. He professed he could not conjecture in what part of the treaty this committee of manufacturers had discovered these dangers. He conceived that they were empowered to preserve all the prohibitions which they might think it wise to continue. He knew not of any possibility of sending the wool, the fuller's earth, or the tools of the manufacturers, out of the kingdom. He thus went through the whole report of the committee, comment-

ing upon every passage, and shewing the fallacy and absurdity of the whole. That a set of manufacturers should neglect to consider the application of the treaty to themselves, while they wandered into the paths of legislation and government, did not look like that apprehension for their real interests, which their terrors betrayed at the time of the Irish propositions. They, indeed, expressed their fears, that the tools and manufactures of the country might be exported to France, but, on that subject, they might be perfectly at their ease, for there was not a word in the treaty to favour such a construction.

Adverting to the political effects of the treaty, Mr. Pitt contended against, what he called, the *too-frequently advanced* doctrine, that France was, and must be, the unalterable enemy of Great Britain. His mind revolted from this position as monstrous and impossible. To suppose that any nation could be unalterably the enemy of another was weak and childish. Such a supposition had its foundation neither in the experience of nations, nor in the history of man. It was a libel on the constitution of political societies, and assumed the existence of diabolical malice in the original frame of man. But these absurd tenets were adopted and propagated; nay, the absurdity was carried still fur-

ther; it was said, that, by this treaty, the British nation was about, blindly, to throw itself into the arms of this constant and implacable foe. Men reasoned as if this treaty was not only to extinguish all jealousy in our bosoms, but also completely to annihilate our means of defence; as if, by the treaty, we gave up so much of our army, so much of our marine, as if our commerce were to be abridged, our navigation lessened, our colonies to be cut off, or to be rendered defenceless, and as if all the functions of the state were to be palsied. What ground, he asked, was there for this train of reasoning? Did the treaty suppose, that the interval of peace between the two countries would be so employed by us, as to disable us from meeting France in the moment of war with our accustomed strength? Did it not much rather, by opening new sources of wealth, speak this forcible language—that the interval of peace, as it would enrich the nation, would also prove the means of enabling her to combat her enemy with more effect when the day of hostility should come? He maintained, that it did more than this; that by promoting habits of friendly intercourse, and of mutual benefit, while it invigorated the resources of Britain, it made it less likely that it should have occasion to call forth these resources. It certainly had, at least,

the happy tendency to make the two nations enter into more intimate communion with each other, to enter into the same views even of taste and manners; and while they were mutually benefited by the connection, and endeared to each other by the result of common benefits, it afforded a better chance for the preservation of harmony between them, while, so far from weakening, it strengthened, the sinews of war.

If such a consequence were to be produced by the treaty as a similarity of taste and of manners, that consideration alone would have been sufficient to justify the opposition to it; for, from the known nationality and vanity of the French, it could not, for a moment, be supposed, that they would adopt the taste and manners of the English; the similarity, therefore, could only be produced by the adoption of French taste, and of French manners, by the British nation. This result, which must have eradicated from the minds of our countrymen, all those principles, and all those feelings, to which we had been principally indebted for our national greatness, and for the ability, so recently displayed, of opposing, with vigour and success, the most formidable combination that had ever been entered into for achieving the ruin of an independent state, must have been strongly deprecated by every man who valued

the character and consequence of his country. The preservation of harmony would have been most dearly purchased at such a rate.

Mr. Pitt proceeded to observe, that our state of preparation for war by no means depended on the treaty, but on the vigilance and ability of the administration for the time being. He had heard, he said, of the invariable character of the French nation, and of the French cabinet; of her restless ambition, and of her incessant enmity and machinations against this country; and he adverted to the particular instance of her interference in our late disputes, and of the result of her attack at that time. That France had, at that period of our distress, interfered to crush us, was a truth over which he did not desire to throw even the slightest veil.

Having premised, that the provisions of the treaty would neither delude us into security, nor accomplish our reduction; that, on the contrary, it would strengthen our hands, and, whilst it did not diminish our means, would throw the prospect and the necessity of war at a very great distance; he added, that friendly assurances were not always to be relied on; but, although he thought France the aggressor in most of our former wars, yet, her assurances and frankness, during the present negotiation,

were such as, in his opinion, might command our confidence. What might be the projects which wild ambition might one day dictate, was beyond his penetration; but, at present, the court of France was governed by maxims too prudent, and too politic, to sacrifice its own safety and happiness to the ministerial aims of impracticable conquest. Oppressed, as this nation had been, during the late war, by the most formidable combination for its destruction, yet had France very little to boast at the end of the contest, which should induce her again to enter deliberately into hostilities against this country. In spite of our misfortunes, our resistance must be admired, and, in our defeats, we had given proofs of our greatness, and of our almost inexhaustible resources, which, perhaps, success would never shew us.—

> Duris ut ilex tousa bipennibus,
> Nigræ feraci frondis in Algido;
> Per damna, per cædes, ab ipso
> Ducit opes animumque ferro.

Indeed, while he recollected the whole of that dreadful controversy, he could deduce from it arguments to reconcile the present conduct of France with more equitable and more candid principles of policy, than many persons seemed willing to attribute to our rival. When France

perceived that, in that awful contest, when, with the enormous combination of power against us, it might be truly said, that we were struggling for our existence, we not only saved our honour, but manifested the solid, and, he might almost be tempted to say, the inexhaustible resources of the land; reflecting that, though she had accomplished her object in the dismemberment of our empire, she had lost greatly more than she had gained, in the expense which she had incurred, and in the extreme embarrassment which had resulted from it; and reflecting also, that such a combination of hostile power against us, without a single friend in Europe on our side, can never be imagined again to exist;—may I not, said Mr. Pitt, be led to cherish the idea that, seeing the durable and steady character of our strength, and the inefficacy of hostility, as well as the ruin which it produces, France will eagerly wish to try the benefits of an amicable connection with us?

He ridiculed the idea of refusing to receive the advantages which the treaty would secure to us, because France would derive correspondent advantages from it; and he endeavoured thus to demonstrate the superiority which, in point of advantage, would remain with us. She procured, for her produce, a market of eight mil-

lions of people; we obtained, for ours, a market of twenty-four millions.* France gained this market for her produce, which employed, in preparation, but few hands, gave little encouragement to her navigation, and yielded little profit to the state. We gained this market for our manufactures, which employed many hundreds of thousands, and which, in collecting the materials from every corner of the world, advanced our maritime strength, and, in all its combinations, and in every article and stage of its progress, contributed largely to the state. France could not add £100,000 to her revenue by the treaty; but England must necessarily gain a million. This could easily be demonstrated. The high price of labour in England arose chiefly from the excise, and three-fifths of the price of labour were said to come into the exchequer. The produce of France, on the contrary, was low in the staple, and less productive to the state in the process. Even the reduced duties, as settled by the treaty, were so

* This must not be received as an accurate estimate of the population of France, in 1787. It was probably taken from Mr. Necker's statement, which was greatly exaggerated. I have seen a very detailed account of the population of France, at a subsequent period, when it did not amount to twenty-two millions.

proportionably high, that France could not send to us brandy to the amount of half a million, but we must gain cent. per cent. by the importation of it. In this view, then, though France might gain, we must be, comparatively, so much more benefited, that we ought not to grudge her the advantages, much less ought we to fear that they would be injurious to us in the event of a future contest. It was in the nature and essence of an agreement between a manufacturing country and a country blest with peculiar productions, that the advantage must terminate in favour of the former; but it was peculiarly calculated for reciprocal convenience and mutual benefit. Thus France was, by the peculiar dispensation of Providence, gifted, perhaps, more than any other country upon earth, with what made life desirable, in point of soil, climate, and natural productions. It had the most fertile vineyards, and the richest harvests; the greatest luxuries of man were produced in it with little cost, and with moderate labour. Britain was not thus blest by nature; but, on the contrary, it possessed, through the happy freedom of its constitution, and the equal security of its laws, an energy in its enterprise, and a stability in its exertions, which had gradually raised it to a state of commercial grandeur; and not being so bountifully gifted

by Heaven, it had recourse to labour and art, by which it had acquired the ability of supplying its neighbour with all the necessary embellishments of life, in exchange for her natural luxuries. Thus a friendly connection seemed naturally to result from their relative situation, instead of that unalterable enmity, which was falsely said to be their true political feeling towards each other.

Mr. Pitt concluded with a brief summary of the negative merits of the treaty. With respect to political relation, if it afforded no benefits, it could produce no disadvantages. It quieted no well-founded jealousy; it slackened no necessary exertion; it retarded no provident supply; but simply tended, while it increased our ability for war, to postpone the period of its approach. He then moved his preliminary resolution: "That in case either of the two high contracting parties shall think proper to establish prohibitions, or to augment the import duties upon any goods or merchandize of the growth or manufacture of the other, which are not specified in the tariff, such prohibitions, or augmentations, shall be general, and shall comprehend the like goods and merchandizes of the other most favoured European nations, as well as those of either state: and, in case either of the two contract-

ing parties shall revoke the prohibitions, or diminish the duties, in favour of any other European nation, upon any goods or merchandize of its growth or manufacture, whether on importation or exportation, such revocations, or diminutions, shall be extended to the subjects of the other party, on condition that the latter shall grant to the subjects of the former, the importation and exportation of the like goods and merchandizes under the same duties; the cases reserved in the seventh article of the present treaty always excepted. That all articles of manufacture and commerce, not enumerated in the tariff, be admitted from France on paying the same duties as the same articles pay on importation from the most favoured nations."

Mr. Pitt was answered by Mr. Fox, in a speech of equal length, and in a strain of equal animation. He contended, that Mr. Pitt had reasoned on principles too narrow and contracted for the magnitude and importance of the subject; and he combated the conclusions deduced from these principles, in favour of the treaty, considered in a political, commercial, and financial point of view, as fallacious and unfounded. On the policy of the measure, he repeated his former arguments, and pressed them with additional force; maintaining, that the

only situation in which Great Britain could stand in the general system of Europe, with honour, dignity, or safety, was as a counterpoise to the power of France; that this had been our invariable policy in all the most flourishing periods of our history, if that of Queen Elizabeth be excepted, when the Spanish empire held the same relative place which France has since holden; and that of the protector, Cromwell, whose conduct was evidently directed by a regard to the security of his personal power.

It was this circumstance of our policy, Mr. Fox observed, operating upon the restless ambition of France, not any inward antipathy of mind, not the memory of Cressy and of Azincour, which made the two nations natural enemies. That France considered us in this hostile point of view, and as the only obstacle to her ambitious designs, was evident from her unceasing endeavours to diminish our power. To prove that this object was still the first in her contemplation, and the nearest her heart, we had but to recollect her conduct towards us in the American war; and to prove that no assurances of friendship were to be trusted, when that object was in view, we had only to read the correspondence between the French ministers and Lord Stormont, during

the first years of that contest. And when it was further considered who the monarch was that then sate upon the throne of France, a monarch of the most mild and benevolent character, and celebrated for his love of justice,* and that the minister who directed his councils was far advanced in the last stage of life, of a feeble and timid disposition, and, therefore, unlikely to be led away by any new and visionary projects of ambition, not a doubt could be left in any one's mind, but that the French nation was actuated by a regular, fixed, and systematic enmity to this country.

But, it had been said, that convinced, at length, by dear-bought experience, that the British empire was impregnable, and that, notwithstanding the threatening contests in which we had been engaged, we still firmly maintained our rank, she had opened her arms

* Louis the XVI. was adverse to the American war, but his voice was overruled by the majority of the council. It was a war on the part of France, which did not square with that monarch's correct notion of political and moral justice; but the cabinet was induced to undertake it, partly by the instigations of the merchants, who hoped to build their own prosperity on the ruins of the British trade, and partly by that "regular, fixed, and systematic enmity to this country," which Mr. Fox so truly described as appertaining to the national character; an enmity which never has been, and which, in all human probability, never will, be subdued.

to us, adopted other sentiments, and court a connection with us upon liberal and mutually advantageous terms. That she had changed her policy, Mr. Fox admitted was probable; but what proof had we that she had changed her sentiments? Was it not more reasonable to suppose, that her end was the same, though her projected means of attaining it were different? that, instead of force, which she found would not avail, she intended to employ stratagem to put us off our guard, to lull us into security, to divert us from the cultivation of other alliances, to lessen the dependence of foreign states upon us, to turn all our views to commercial profits, to entangle our capital in that country,*

* Experience, unfortunately, confirms but too strongly the danger arising from the *entanglement* of British capital in foreign countries. Whenever the British merchants engage in an extensive commerce with the traders of any nation which is deficient in capital, the long and large credit which they must necessarily give, renders them more interested in the political movements of such nation than is consistent with their duty to their own. The consequence of such conduct has been repeatedly manifested, in the various disputes which have, from time to time, arisen between Great Britain and the United States of America. Opulent individuals, who have had very large capitals, embarked in the American trade, and, of course, very large sums due from the American traders, have been known to interfere, at such periods, from motives of private interest, and to press the ministers to the adoption of measures inconsistent with public honour, and hostile to the public wel-

and to make it the private interest of individuals in this rather to acquiesce in any future project of ambition, which she might entertain, than come to a rupture with her. These, he was convinced, were the designs of France, in seeking to establish a commercial intercourse with us.

Mr. Fox urged many other arguments, of a similar nature and tendency; and, having taken a brief view of the effects of the treaty, on our commercial and financial interests, concluded by moving, "that the chairman leave the chair, report progress, and ask leave to sit again."—He was followed, in the same line of reasoning, by Mr. Francis, who expressed his dread of the consequences of an intimate political connection with France, upon the character of the British nation. The first step towards enslaving a free people, he said, was to endeavour to corrupt them; and he was convinced that a more free intercourse with France would produce that effect. He reminded Mr. Pitt of the opposite opinions of the late Lord Chatham, and lamented that the pomp of modern eloquence

fare, while the Americans, fully aware of the efficacy of such motives, by the influence which they have on their own conduct, have held out threats of liquidating, by a resolution of congress, all the debts due to British subjects.

should be employed to derogate from the merits of his administration. The polemical laurels of the father, must yield, he observed, to the pacific myrtles which shadowed the forehead of the son. The first and most prominent feature in the political character of Lord Chatham was *Antigallican.* His glory was founded on the resistance which he made to the united power of the House of Bourbon. The present minister had taken the opposite road to fame; and France, the object of every hostile principle in the policy of Lord Chatham, was the *gens amicissima* of his son. The objections to the treaty were principally answered by Mr. Grenville, and Mr. Fox's amendment was finally rejected by two-hundred and forty-eight votes against one-hundred and eighteen.

The discussions were renewed, on subsequent days, when different resolutions for giving effect to the treaty were moved, and carried, by considerable majorities. On all these occasions, the whig-party, of which Mr. Fox might now be considered as the head, were uniform in the support of Antigallican principles, and in asserting the dignity and honour of their country.—Mr. Wilberforce having ridiculed the idea that it was any consolation to a poor cottager, groaning under a load of taxes, and sitting, with scarcely a snuff of candle to light him,

to hear, that he was a balancer of the power of Europe, and a protector of its liberties, Mr. Fox rose, with some warmth, to condemn such low and desponding arguments. He wished to know if that was the language meant to be maintained; he wished some persons in autho- would stand up and say so, because he could then meet it fairly. He asked if Mr. Pitt would declare, that we were no longer in a situation to hold the balance of power in Europe, and to be looked up to as the protector of its liberties? He should be glad to come at that point. As to the assertion that a poor cottager was not to be talked to in such a strain, he must maintain that he was, and, notwithstanding the pressure of taxes, under which the lower order of people in this country laboured, yet it was a comfort to him to hear, that she was the balancer of power, and the protector of the liberties of Europe. This it was which enabled him to bear his poverty with cheerfulness, and to feel the satisfaction, amidst all his distress, of reflecting on the thought of his being one of the subjects of a free country, whose characteristic it was to balance the power of Europe.

The last debate took place on the 21st of February, when an address was moved "to thank his Majesty for the solicitude he had been graciously pleased to evince, in forming a treaty of com-

merce between Great Britain and France; assuring him, that the House conceived, that the most happy effects would result from it to his faithful subjects, and that they would take every necessary step to render the negotiation effectual. Mr. Grey, who had been recently returned for Northumberland, delivered his maiden speech in opposition to this address; he took up the same line of argument with Mr. Fox, and asserted the same antigallican principles. He commended the jealous policy of our ancestors, in respect of France; and asked upon what grounds it was presumed that she had at once totally abandoned all her ancient political principles, and had no longer any object in view inimical to our interests? He expressed his belief that France was labouring to detach us from all other alliances, and to render us as much politically insulated, as we were insulated in our local situation.—And he regarded, with suspicion, every offer of service from France; exclaiming—

—timeo Danaos et dona ferentes.
——————an ulla putetis
Dona carere dolis Danaûm?——

Mr. Burke, on this occasion, took a most masterly and luminous view of the relative situation and circumstances of the two countries; from which he inferred, that much would be risqued by

the treaty, and that little would be gained by it. The policy of France, in augmenting her naval and commercial resources, he described as evidently hostile to Great Britain, and he deprecated the eagerness with which we appeared anxious to run into her embraces. After a long discussion, the address was carried by a majority of seventy-six.

In the Lords, the measure was again discussed with a degree of seriousness, and a depth of investigation, well suited to the importance of the subject. It was strongly opposed by Dr. Watson, the Bishop of Llandaff, whose remarks displayed a degree of commercial knowledge, which but few divines are known to possess, and still fewer, it is supposed, are ambitious to acquire.—He contended, 1st, that to abandon a commercial system, by which we had risen to our present height, in the scale of nations, was a measure, abstractedly considered, dangerous and impolitic; and not to be justified except by some urgent necessities of the state; which necessities did not, at present, exist. 2d, That to adopt a commercial system, which our ancestors, from long experience, had deprecated as detrimental to the kingdom, was an unwise measure, and not to be justified, except by a change in the relative situations of Great Britain and France; the certainty of which change having taken place had not been proved, or rendered highly probable.

In order to support these propositions, the Bishop entered into a long and minute detail of our commercial intercourse with foreign nations whence he drew the conclusion, that there was a clear yearly balance, in our favour, of at least four millions. The channels whence this balance had been derived, he represented as having experienced a temporary obstruction from those casualties, which are incidental to all human affairs; but he maintained that it would be much wiser to open and to enlarge them, since their advantages were known and certain, than to venture into new channels, the rocks and shoals, and whirlpools of which were yet unexplored; the dangers of which no mortal eye could foresee; the benefits of which were, at best, but speculative, and might prove delusive; and, if delusive, the attempt to obtain them must be ruinous to our wealth, our consequence, and our independence. Though he did not state the fact, as exhibiting cause and effect, yet, if it could be shewn that our commerce did not flourish when the trade with France was open, as clearly as it had been shewn that it did flourish when our trade with France was shut, men of plain understandings would suspect that there was some connection between those two circumstances. In proof of his second proposition, he read the preamble of an act passed in the reign of Charles

the second, for prohibiting an open trade with France, which contained these words: "Whereas "it has been, by *long experience*, found, that the "importing French wines, &c. had much exhaust-"ed the treasure of the nation, lessened the value "of the native commodities and manufactures "thereof, and brought much detriment to this "kingdom in general, &c."

The Bishop declared, that after the most attentive examination of the subject, he could not find that such a change had taken place in the relative situations of the two kingdoms, as to render that commerce lucrative and safe, at present, which was considered as highly detrimental to the country, in Charles the second's time, when the yearly balance against us amounted to a million sterling. Although he admitted that our manufactures have greatly improved since that period, he contended that those of France were also in a progressive state of improvement. His remarks, however, on the state of cutlery, of the cotton manufactories, and on the woollen trade, in France, were by no means correct. There was such a marked superiority in all those articles, which are included in the general denomination of *hard-ware*, on our part, as to set all competition at defiance, and to render every effort of the French to equal us perfectly abortive. In the manufacture of fine woollen cloths, indeed, chiefly con-

fined to Louviers, the French certainly exceed us, but our manufacturers could afford to sell their cloths, even with the duty to which the treaty subjected them, so much cheaper, that a considerable vent for them might reasonably be expected in the home market. But the Bishop, who expressed great apprehensions on this ground, admitted that arguments, applicable to a prospective state of things, must be, in a great measure, speculative, and liable to error; and he considered it as the misfortune of the treaty in question, that we could judge of it only from experiment, and that in making the experiment we might be undone.

In conclusion, the Bishop endeavoured to confute the argument built on the respective population of the two countries, by observing, that though it stood as twenty-four to eight, still the eight millions had more occasion for the produce of France, and greater means for purchasing them, that the twenty-four millions had for the produce of England.—The Marquis of Lansdowne answered the Bishop, and defended the general principle of the treaty, though he expressed his dissatisfaction with those who had negotiated it, for not having obtained more advantageous terms from the French minister. He was particularly displeased with the recognition of the neutral code, in the treaty, which he was authorised to believe, from what had passed in making the late peace, would not

have been insisted on by France. It was not the interest of either country to suffer new marines to start up and to grow too powerful; and the conviction of this truth had hitherto, at least, marked the politics of the French government He complained also of the neglect to provide for the stoppage of the works in the harbour of Cherbourg, and to include Ireland in the commercial regulations of the treaty. His Lordship well observed, that if this country should decline, it would not be on account of this treaty, but from other obvious causes. If we were to experience a perpetual change of ministers, and, in consequence, a perpetual fluctuation of systems, as we had done for many years past; if we went on rotting in our corruption, and sacrificing the army, the church, and the state, to the paltry purpose of procuring majorities in the two houses of parliament, we could never expect to be prosperous, wealthy, or powerful. Certainly the most destructive consequences must, at all times, result from the practice of rendering the church and the army subservient to political purposes; promotions in either should be influenced by merit alone;—ill betide the state in which interest shall supply heads to the one, and commanders to the other!—the purest sources of national felicity will be polluted, and the best means of national defence will be destroyed!

Lord Hawkesbury defended the treaty much at length, as did also the Marquis of Buckingham; while the Duke of Manchester, and the Lords Stormont, Loughborough, and Porchester, supported the arguments of the Bishop of Landaff.

A great majority decided the question in favour of the treaty, and on the 8th of March, a joint address, of both Houses, in approbation of it, was presented to his Majesty.

Having thus fixed this essential link in the great chain of his commercial system, Mr. Pitt immediately proceeded to bring forward the other parts of his plan. On the 26th of February, he introduced, to the House of Commons, his celebrated project for consolidating the duties of custom, and for the simplification of the collection of the various imposts in the three different departments of customs, excise, and stamps.—This plan had nothing of that brilliancy and splendour to recommend it which dazzle the judgment, fascinate the mind, and extort approbation; but it exhibited, to the eyes of those who were well versed in the nature and extent of human talent and intellect, a quickness and accuracy of conception, a clearness and solidity of judgment, a comprehensiveness and perspecuity, an intelligence, vigour, perseverance, and ability, which, when applied to purposes of great practical utility, command their admiration and

applause.---Mr. Pitt opened the subject with observations on the long existing, and long acknowledged, necessity for a removal of the many and heavy grievances which prevailed in these departments of the revenue,—He then traced the subsisting duties of custom to their origin, in the 12th year of Charles the Second, when they were first imposed by law, under the names of *tonnage* and *poundage*. The first was a Tax upon wines imported, rated according to *quantity*; and the latter a duty on various articles rated according to their *value*. The duty of poundage was, in its very nature, liable to great inaccuracy and irregularity, the value of the goods was ascertained by a book of rates, and was computed on the quantities of the goods; with respect either to gage, to weight, or to *taille*; it was not a real value that was fixed on them, so that the duty should bear a certain proportion to that real value, but an arbitrary value, probably fixed according to the price which they actually bore at the time when the duty was imposed, but which, from the natural fluctuations of trade and manufactures, was necessarily liable to many changes, and numerous variations. This principle of taxation, being once adopted, was pursued in every fresh subsidy which had been granted for the payment of the interest of the several loans which were raised from time to time. In some instances, it

was done by the imposition of additional duties of so much per cent. on the existing tax; in others, a farther duty was laid upon a different denomination of the commodity, either with respect to its value, its bulk, its weight, or its number; and proceeding in this manner, from period to period, it had, at length, by the numerous additions so made, and the unbounded increase of the articles of commerce, produced that mass of confusion which was now the subject of universal complaint, and which exposed the mercantile part of the nation to infinite inconvenience and delay.

Two modes had been devised for curing these evils. The first was, the forming of a compilation of the customs on each article, to which the merchant might apply for information, instead of being reduced to the necessity of consulting acts of parliament; but so various and so frequent were the revolutions in the customs, so fluctuating was the system, that, in many cases, it had undergone a change before the compilations in question could be published.

If, however, the custom-house book were exempt from this inconvenience, it would still be greatly inadequate to the removal of the grievances so strongly felt, and so justly complained of; since a reference to the book, though it would enable the merchant to ascertain the amount of the duties which he had to pay, would not exempt him from all further trouble.

by enabling him to enter his goods, and to pay down the stated amount. For, as almost the whole of the additional subsidies had been appropriated to some specific fund, for the payment of certain specific annuities, he was obliged to wait until all the usual calculations on each subsidy had been made, it being so directed by the different acts by which such subsidies had been granted; and thus, though the means of ascertaining the amount of the duties were facilitated, nothing was saved to the merchant in point of expediti n.

The second remedy to which recourse had been had, by the mercantile world, for obviating the dreadful inconveniences of this blundering and complex system, was an application to the Custom-house officers—a remedy not worse, indeed, than the disease; but certainly liable to many serious objections.—For whatever utility the merchant might derive from it, in expediting his business, it was highly improper, on the one hand, to leave the merchant at the discretion of such persons; and, on the other, to suffer the very men, who were employed by the government as checks upon the merchant, to become his agents. Similar grievances, and similar abuses, though not to an equal extent, were stated to exist in the Excise and Stamp offices.

The mode which Mr. Pitt suggested for the

eradication of these evils, was a general abolition of the various duties then in existence, and the substitution of one duty in their stead, as nearly equal in amount as the nature of the case would admit. He only proposed, where a fraction was found in any of the sums, to change the fraction for the nearest integral number, in general taking the higher number in preference to the lower.—By this advance, from the fraction to the integral, much confusion would be avoided, while an increase of revenu , to the amount of about £20,000 per annum, would be produced. A nearly similar plan, of substituting one general duty, for the various imposts, at present collected, was proposed for the Excise. Some idea of the magnitude of this project, for simplifying the collection of duties, may be collected from the number of resolutions which it was necessary for the House to adopt, in order to carry it into effect; this was no less than *three thousand.* The House concurred with Mr. Pitt in the wisdom and utility of the measure; and Mr. Burke, with a frankness highly honourable to his character, rose immediately after him, and declared, that the plan proposed was in itself so obviously necessary, beneficial, and desirable, and Mr. Pitt had opened it with such extraordinary clearness, and perspicuity, that he thought it did not become him, or those who, like him, unfortunately felt it

to be their duty frequently to oppose the measures of government, to content themselves with a sullen acquiescence; but to do justice to the Minister's merit, and to return him thanks on behalf of themselves and the country. A bill, founded on the resolutions of the House, was brought in, on a subsequent day, passed through its different stages, in the course of the session, and ultimately received the royal sanction.

CHAP. IX.

The Corporation and Test Acts—Their Origin and Design—The Principle of them examined and justified—The Citizens of Athens subject to a Test-Law—The Oath of *Conformity* which every Athenian was compelled to take before he could be admitted to any office in the state—Mr. Beaufoy's motion for a Repeal of those Acts—Fallacy of his argument exposed—He is answered by Lord North—who shews the intent of the Legislature in passing the Acts—expresses his jealousy of the Dissenters—Mr. Pitt opposes the motion—and contends that the Dissenters enjoy as perfect a Toleration as the safety of the Establishment will permit—Mr. Fox supports the motion—Sir William Dolben quotes Dr. Priestley's authority for the danger to which the Church is exposed—Question lost—Mr. Pitt opens the Budget—His financial statements opposed by Mr. Sheridan—Confirmed by the House—The Prince of Wales's debts—Observations on the nature of them—Application to the House of Commons, on the subject, by Alderman Newnham—Mr. Rolle mentions the reported marriage of the Prince with Mrs. Fitzherbert—Mr. Fox, by the Prince's authority, solemnly declares that no such marriage had ever taken place—Confident assertions, of a contrary nature, by public writers—Observations on the importance of this discussion, and the law respecting such marriage examined and defined—Mrs. Fitzherbert asserted to be no Papist. The contrary affirmed—The Prince's debts set-

tled without the Interference of Parliament—Prosecution of the charges against Mr. Hastings—Eloquent speech of Mr. Sheridan—Its Effect—Mr. Fox and Mr. Taylor's conduct on the occasion censured—Charges supported by Mr. Pitt—Opposed by Lord Hood—confirmed by the House—Mr. Hastings impeached by the Commons before the Lords—Parliament prorogued—Mr. Pitt's conduct respecting Mr. Hastings defended against the censures pronounced upon it.

[1787.] During this session of Parliament, a question of civil polity arose, which became the subject of frequent discussions, during the administration of Mr. Pitt. This was the repeal of the corporation and test acts, which had been framed for the express purpose of securing the civil and ecclesiastical constitution of the kingdom from those dangers, which had, previous to their existence, reduced it to the brink of destruction. With the history of these salutary, and most necessary, laws,. no Englishman can be supposed to be unacquainted, since they have engaged the attention of some of the most able and learned writers of the last and present century. Had they been enacted in the reign of Elizabeth, or in that of her successor, it is most probable, that the bloody event which disgraced the annals of the seventeenth century, and for which a national atonement, as it were, is still annually offered, had never

occurred. They were laws, not of a speculative nature, but which arose out of a conviction of their necessity, founded on the experience of the evil consequences which had resulted from the want of them. They were dictated, not by selfishness, revenge, or tyranny, but by self-preservation, by a sense of the blessings which our constitution imparts, and by a natural desire to ensure them from a repetition of those attacks, which had once wrested them from us for years, and which had even threatened them with annihilation. But though no one could be ignorant of the history of these laws, many were found who misrepresented both their nature and their tendency. These men never considered, that they did not inflict *punishment*, but merely adopted *precautions*; that their operation was not to deprive any description of individuals of the *capacity* to obtain political power, but to impose on all, indiscriminately, the *same* necessary *condition* or *qualification*, for the enjoyment of it. If there were persons who did not chuse to submit to this condition, their consequent exclusion was the effect of their own voluntary act; and it could no more be imputed to the tyranny of the government, than the inability of those to vote for representatives, or to hold various situations, who have not the qualification which the law requires.

As to the right of a government to enact such laws, that has been so amply and so ably discussed, by the most eminent writers, but more particularly by Sherlock and Warburton, as to remove every doubt on the subject. It was a right acknowledged and exercised by the freest states of antiquity. Athens, at a period when her liberty was the most rational, and the best secured, imposed a rigid test on all her citizens, who held any place of trust or importance, for the security of her established religion. They were obliged to take the following oath, which Stobœus extracted from the writings of the Pythagoreans. "I will not dishonour the "sacred arms, nor desert my comrade in battle. "I WILL DEFEND AND PROTECT MY COUNTRY "AND MY RELIGION, whether alone, or in "conjunction with others: I will not leave the "public in a worse condition than that in which "I found it, but in a better: I will be always "ready to obey the supreme magistrate, with prudence, and to submit to the established laws, "and to all such as shall be hereafter established "by full consent of the people: and I will "never connive at any other who shall presume "to despise or disobey them; but will revenge "all such attempts on the sanctity of the re-"public, either alone, or in conjunction with "the people: and, lastly, I WILL CONFORM TO

"THE NATIONAL RELIGION. So help me, those "Gods who are the avengers of perjury."* But if there had been no example to sanction these laws, the necessity which gave birth to them would have afforded a sufficient sanction.

The motion for taking the repeal of them into consideration, was brought forward by Mr. Beaufoy, in the House of Commons, on the 28th of March. He contended, that the corporation act, which passed in the year 1661, when the kingdom had scarcely recovered from the effects of those internal convulsions which had shaken it to the centre, was directed against the dissenters of that day, who had borne a conspicuous part in the civil commotions of the times; and that the dissenters of the present

* Ου' καταισχυνῶ ὅπλα τὰ ιερὰ, ὐδ' ἐγκαταλείψω τὸν παραστάτην, ὅπυ ἂν στοιχήσω. ΑΜΥΝΩ ΔΕ ΥΠΕΡ ΙΕΡΩΝ, και υπερ ὁσίων, και μόνος, και μετά πολλῶν, την πατρίδα γαρ υκ ἐλαστω παρα δώσω, πλέιω γαρ και αρείω, ὅσγαρ ἂν παραδέξομαι. Και ἀηκοησω τ̃ ἀεὶ κρεινόντων ἐμφρόνως, και τοῖσ θεσμοῖσ τοῖσ ἱδρυμένοισ πείσομαι, και υσ τινας ἂν ἄλλυς το πληθοσ ἱδρύσηται ὁμοφρόνως, και ἄν τις ἀναιρη τὺσ θεσμυς ἢ μὴ πειθηται, υκ ἐπιτρεψω, ἀμυνῶ γαρ και μονοσ, και μετα πάντων. Και ΙΕΡΑ ΤΑ ΠΑΤΡΙΑ ΤΙΜΗΣΩ ιστορες θεοι τυτων. Joem. Stobæi de Repub. Serm. XII. p. 243, edit. Lugdun, 1608.

See bishop Warburton's reasoning on this subject, in his "alliance between church and state." P. 238, et seq. *Third edition*, 1748, where it will be seen, that even William Penn, the Quaker, framed a test law for the security of religion, where he gave a constitution to the Pennsylvanians.

day were not responsible for them, and wer peaceable and well-disposed subjects.

It was true, indeed, that one of the objects of the law was to deprive those turbulent Schismatics of all future opportunity of exciting rebellion in the land;—but it had a further, and a more important object,—to prevent, by a solid and permanent barrier, all the enemies of the established religion from acquiring such a portion of political power as would supply them with the means of subverting it, and of overthrowing, by its subversion, the civil constitution of the country.

The Test act, which passed in 1672, was entitled an act for preventing dangers which may happen from popish recusants; and which, therefore, Mr. Beaufoy maintained, could not, with justice, apply to protestant dissenters. He then passed from the particular circumstances attending the origin of those laws, to the general principle of such enactments. Every man having an undoubted right to judge for himself in matters of religion; he ought not, it was asserted, on account of the exercise of that right, to incur any punishment, or to be branded with a mark of infamy; but that the exclusion from military service, and civil trusts, was both a punishment and an opprobrious distinction. To prove that it was in strictness a punishment,

Mr. Beaufoy observed, that it was, in fact, the punishment which the laws inflicted upon some of the greatest crimes. If a civil officer had been detected in a flagrant breach of his duty, or wilfully and corruptly violated his oath of office, the punishment which the law inflicted, for such perjury, was the same incapacity under which dissenters laboured, to hold any office of honour, emolument, or trust. In the case of dissenters, too, it was inflicted for no crime, but for opinions purely religious.

Specious as this argument might appear, its sophistry was manifest.—A man is not *punished* because he cannot hold an office of trust without submitting to the same conditions which are imposed upon subjects of every denomination. It might, with at least equal plausibility, be maintained, that a man who has not an estate of three hundred a year, has the same punishment inflicted on him as the culprit who has been convicted of the high crimes of corruption, bribery, and subornation of perjury; that is, he is rendered, by law, incapable of holding a seat in the House of Commons. The man, too, who has not a freehold of forty shillings a year, may be said to receive the same punishment as the voter who has been disfranchised for a corrupt and infamous prostitution of his privilege. But, was such incapacity,

arising out of a legal disqualification, ever described as a *punishment*, as a *mark of infamy*, or as an *opprobrious distinction?*

Mr. Beaufoy admitted, that a regard to the general good ought to control all other considerations; but, he observed that no invasion of civil rights, that was not essential to that good, could possibly be justified, on the grounds either of policy or of reason. He contended, that the continuance of the acts, which invaded the rights of dissenters, were not necessary to the general good of the kingdom. He vindicated the dissenters from the charge of republicanism, asserted their loyalty, and expressed his belief that the abolition of the penal law would give *additional security* to the church, by *removing the only ground of resentment against it*, and the only bond of union, by which they were induced, in their various denominations, to make a common cause, and support each other. He proposed to abolish the sacramental test, but to retain the oath of abjuration and supremacy, and the declaration against the doctrine of transubstantiation; the first of which excludes all Jews and Infidels, and the last, Roman Catholics. He then cited the examples of Scotland, Ireland, Holland, Russia, Prussia, and the dominions of the Emperor, in none of

which, as he said, were religious tenets made the grounds of civil disqualifications.

He was answered by Lord North, who had long studied this important question, with great attention, and with equal success, for no one ever understood it better. His lordship had recently lost his sight, and had not attended his duty in Parliament, during this session; but the question now under discussion appeared to him of so much importance, that, foregoing all considerations of personal ease, he resolved to deliver his opinion upon it. He professed himself a sincere friend to religious toleration, rightly understood; but he thought that, in the year 1778, when he was minister, a finishing stroke had been put to the penal restriction upon religious opinions; and that, as general a toleration had been then granted, as was consistent with the security of the established form of government. If any thing remained, that could operate as a burthen upon any man's conscience, in God's name, said he, let it be done away; but let not the admission of persons of particular denominations, into the offices of the state, be confounded with liberty of conscience. If government found it prudent and necessary to confine them to persons of particular principles it had a right so to do; it was a right belonging to all states; and all had exercised it, all

did exercise it, and all would continue to exercise it. If dissenters claimed it as their undoubted, their natural right, to be rendered capable of enjoying offices, and that plea were admitted, the argument might extend to all men; the vote of a freeholder, for a representative in parliament, was confined to those who possessed a freehold of forty shillings or upwards; those not possessing that qualification might call it an usurpation of their right, to prevent them from voting also.

In answer to the assertion, that other countries had no test laws, and that their established churches were not endangered for the want of them, his lordship remarked, that France had protestants at the head of her army and her finances, and Russia employed catholics in her service, but that it should be considered these were arbitrary governments, and conducted upon principles totally different from ours. Holland, indeed, admitted men of all religions into her army, because, not having subjects enough of her own, she was obliged to have recourse to foreign troops; but there was no place where they restrained their civil officers more to the established principles of the country, and the same policy prevailed in Sweden.

It had been said that, by the corporation and test acts, every man, who refused to sub-

mit to them, was subject to the same punishment as those who were convicted of great and heinous crimes; but that was not the fact. No man, because he did not choose to receive the sacrament of the Lord's supper, according to the usage of the church of England, was subjected to any punishment whatever. The act, his lordship truly described, as holding out punishment only to those who filled offices, without observing the conditions which the law prescribed; and they were punished for wilfully flying in the face of a legislative act. Nor was any indignity offered to the dissenters, by their non-admission to offices, without the qualification required by the test act. Had not the country, he asked, resolved, that no king or queen should sit on the throne of the British empire, who refused to comply with the provisions of the test act? if the throne were offered to any prince who could not comply, from motives of conscience, to refuse him the throne would be to offer him no indignity, no insult.

His lordship affirmed, that the intention of the legislature, in passing these acts, singular as it might appear, was to include both papists and dissenters. This was evident from their conduct at the time. The corporation act clearly meant to exclude the sectaries, and was not meant to extend to the Papists, but it did

exclude both;—the test act was chiefly intended against the papists, but included the dissenters also; and when the Parliament passed both these acts, they knew that they included both. What, he asked, was the opinion of the Parliament at the revolution? Taught by the miseries which they had experienced, and by the dangers which they had escaped, they deliberately went through all the acts, and repealed them every one, except the corporation and test acts, which they considered as mere civil and political regulations. These they preserved, because they thought them necessary for the safety of the church, and for the preservation of the constitution. By that Parliament a just line was drawn for the relief of conscience, on the one hand, and for the security of the established religion on the other. His lordship declared, that he considered the test act as THE CORNER STONE OF THE CONSTITUTION. King James, when he wished to gain the prince and princess of Orange to his views, asked their opinion on the propriety of repealing the test and corporation acts. The prince answered, that he agreed to the removal of the corporation act, but not to the repeal of the test act; and declared it to be the practice of Holland, to confine all civil employments to those who professed the religious principles of the

States, but that the army could not be so restrained, on account of the paucity of native troops, and the consequent necessity for the employment of foreigners. Nothing brought James so speedily to the crisis of his fate as the test act, which restrained him, and rendered it impossible for him to fill all offices, civil and military, with those of his own sect, which he hoped to be enabled to do by obtaining the repeal of the Test Act; and then, said Lord North, there would have been an end to all liberty. It was the duty, his lordship conceived, of every member of the House, to prevent that which might, at a future period, subject the nation to the same dangers which it had before experienced.

In answer to an observation of Mr. Beaufoy, who had laid great stress on the profanation of the sacrament, by mixing it with temporal concerns, and on the distressed situation of the clergy, who were, on that account, compelled to administer it to all who came to receive it, or else to subject themselves, by a refusal, to grievous prosecutions, Lord North avowed, and with great truth, that so far was it from being the wish of the clergy of England to have the test act repealed, they were all alarmed at the intention of proposing such a measure, and were determined to resist it with

all their strength. Every minister, he said, was bound, by his office, to refuse the communion to any unworthy person; if he refused according to law, by law he would be justified. The fear of an action should not prevent a man from doing his duty. If the sacrament, in many instances, were taken unworthily, he feared many false oaths were also taken; but could that operate as a reason for the abolition of oaths, which, in many cases, were absolutely necessary? The legislature was not to be answerable for the consequences of the sacrament being taken unworthily, any more than for the consequences of perjury. His lordship, in conclusion, warned the House of the danger of breaking down that barrier, which had, heretofore, in times of peril, guarded and preserved the constitution.

Mr. Pitt supported the arguments of Lord North, and particularly enforced the necessary distinctions between a participation in the offices of state, and liberty of conscience. He observed, that there must be a distinction of rights in all societies; that, for instance, in this nation, all the modes of representation necessarily included modes of qualification. But was a man to be considered as punished, or disgraced, because he had no vote for a city, a county, or a borough? The true question he

stated to be, whether there was any substantial interest which made it necessary, that one part of the community should be deprived of a participation in its civil offices? The security of the established church was an interest of this nature, and he thought that it would be endangered by the proposed repeal. It had been asserted, indeed, that the dissenters had not a wish to encroach upon the establishments of the church; but he begged leave to question the accuracy of such assertion; as he must look to human nature to find out the springs of human actions. If the danger was not certain, at least it was not chimerical; it would afford sufficient foundation for those apprehensions which ought not to be lightly treated. It was even reasonable, he contended, to conclude, without the imputation of injustice to the dissenters, that, if they saw an opening fairly before them, they would attempt to introduce changes in our system; there existed a natural desire in all men to extend the influence of their religion; the dissenters were never backward in promoting the gratification of such desire, and it was necessary for the establishment to have an eye to them. There were some dissenters, who declared, that the church of England was a relick of popery; there were others who maintained, that all establishments were wicked and

unlawful; these might not be the opinions of the majority; but no means could be devised to admit the moderate part of the dissenters, and to exclude the more violent; the same bulwark must be kept up against all. Mr. Pitt further observed, that a corporation, brought exclusively into the hands of dissenters, which might, not unfrequently, happen, should the act be repealed, was a very different thing from the admission of a dissenting member into that house.* When a dissenting representative was chosen by members of the church of England, he was more likely to come in with sentiments friendly to the establishment, than if he were chosen by a majority of dissenters: in this latter case it would be his interest to play the game of the dissenters against the established church. He finally remarked, that the discretionary power wisely lodged and liberally exercised every year in bills of indemnity by the legislature, left the dissenters no reasonable ground of complaint; and that they possessed as perfect a toleration as the security of the established constitution in church and state could admit.

* This was an allusion, and an answer to a part of Mr. Beaufoy's speech, in which he had remarked, that as dissenters were allowed to hold seats in the legislative body, it was absurd to suppose that they might not be safely entrusted with executive offices.

Mr. Fox, and several other members, supported Mr. Beaufoy's motion, and it was opposed by sir William Dolben, who, in proof of the dangerous designs entertained by the dissenters, read a passage from one of the inflammatory publications of Dr. Priestley, in which he observed: "That their silent propagation of the truth, would, in the end, prove efficacious. They were wisely placing, as it were, grain by grain, a train of gunpowder, to which a match would one day be laid, to blow up the fabric of error, which could never be again raised upon the same foundation."—The question was negatived by 178 votes against 100.

The flourishing state of the revenue enabled the minister this year to appropriate a million to the new sinking fund, for the liquidation of the national debt, without the imposition of any new tax, although the current expenses had not yet been reduced to a level with the peace-establishment, and although trade had not yet reverted to its former channels; and a considerable failure had been experienced in the crops of sugar in our colonies, by which a defalcation of £320,000 had taken place in the receipts at the custom house. When Mr. Pitt, in opening the budget, explained these circumstances to the House of Commons, he was answered by Mr. Sheridan, who denied that the

finances of the country were in a flourishing situation, and who cast some reflections on the committee of revenue, which had sate the year before, and whose report he censured as fallacious and delusive. Mr. Grenville, (now Lord Grenville) who had been a member of that committee, vindicated its proceedings, and the House sanctioned the statements of the minister.

The attention of the public had, during these late proceedings in Parliament, been directed to a subject of some delicacy and importance, relating to the heir apparent of the Throne of Great Britain. The Prince of Wales had, during the Portland administration, in 1783, come of age, when such an establishment was made for him, as became his rank and station. Fifty thousand pounds was the annual allowance which his Majesty had deemed sufficient for the support of that establishment; but, whether the increased price of every article of consumption had not been duly attended to, in this arrangement, or whether the Prince's generosity had outstripped his prudence, it is certain that, in the summer of 1786, he had incurred debts to the amount of one hundred thousand pounds, exclusive of a large sum, upwards of fifty-thousand pounds, expended on the alterations and improvements at Carlton House. An account of these debts had been laid before his majesty,

who, after inspecting it, refused to interfere for the relief of the Prince. Upon receiving this refusal, his Royal Highness had recourse to the extraordinary measure of foregoing that state which the credit of the nation required him to support, and for the support of which the income before mentioned had been specifically allotted him. He dismissed the officers of his household, reduced his establishment to that of a private gentleman, sold his horses, and stopped the works which were going forward at his town residence. All this would have been extremely prudent and proper in any other person; who had been, inconsiderately, betrayed into expenses beyond his income, and whose means of retrenchment could affect no one but himself. But the case was very different with the Prince of Wales, who lived not for himself; no one of whose actions could be indifferent to the community; who had a great public character to uphold; and who should have regulated his conduct and his feelings, as far as the infirmity of human nature would permit, by the consideration of *what he was*, and *what he was destined to be*. The state, the pomp, and the magnificence, which were intended to surround the heir apparent, were not calculated for the gratification of his personal feelings, but to do honour to the nation, over which he was one day destined to reign.

To resign these, therefore, was no proof of magnanimity, properly so called, because it was not a *personal sacrifice*, though, no doubt, the retention of them would have been a *personal gratification*, and a laudable and honourable *object of ambition*; but it was a species of national disgrace which the nation could not fail to feel, though incurred without their own previous knowledge, participation, or consent. Had the Prince viewed the subject in this, its only proper, light, he would have weighed well the amount of his income, with the extent of his establishment, and would have devoted only the *surplus* of his annual allowance to those extraordinary expenses which formed no part of the calculation, when that allowance was fixed; he would have considered that the support of his establishment was a debt which he owed to the public, and that it was the first debt which he was bound, in duty, and in honour, to discharge. A due attention to the situation in which the hand of Providence had placed him, would have informed him, (and, had a *Sully* been his adviser, the truth would have been indelibly impressed on his mind) that a Prince is not born solely for the enjoyment of *privileges*, but, also, for the performance of DUTIES; and that the latter should be regarded as the *moral condition* of the former. If, on a close investigation,

the income originally granted had been found inadequate to the support of the necessary establishment, a remonstrance should have been made on the subject, and, if that had proved ineffectual, the establishment should have been proportioned to the allowance. A difference of opinion, indeed, had subsisted at the time between the King and his ministers, on this subject, and the Prince had, very generously, interfered, in order to remove it, and had expressed his wish that the King himself might be left to judge what allowance it was proper to make him. Having done this, his Royal Highness should have so arranged his expenses as to make them come within his income, and if, in that case, he had not displayed all the pomp and splendor, which became his station, no blame could possibly have attached to him, and the evil, (for an evil it would have been) would speedily have found its own remedy.

One circumstance, attending this occurrence, had particularly excited public curiosity, and extorted public animadversion. This was the *nature* of the Prince's debts. If they arose from excess of generosity, displayed in the reward of indigent merit, or in the encouragement of the arts and sciences; or, even, from an extraordinary manifestation of splendour, in his domestic arrangements, they must have proceeded

from a princely spirit, the ebullitions of which, cold prudence might possibly have censured, but genuine patriotism could not but applaud. But if they sprang from lawless gratifications, engaged in without reflection, and indulged without restraint;—from voluptuous enjoyments attended with circumstances both of danger and of disgrace, not only the stern moralist must condemn, but the sober christian must arraign, them. And, indeed, the mere consideration that every member of the community, who contributed to discharge, had a right to investigate, and to judge, them, must have inflicted a most severe wound upon a delicate, susceptible, and honourable mind. In the course of this discussion, a connection which the Prince had formed with Mrs. Fitzherbert, a papist, was much canvassed; but as it became the topic of some interesting conversation in the House of Commons, it will be better noticed in the account of the parliamentary proceedings on the subject of the Prince's debts.

On the very day, on which the budget was opened, the 20th of April, and before Mr. Pitt had entered upon the business of finance, Mr. Alderman Newnham demanded of him whether it was the intention of his Majesty's ministers to bring forward any proposition for rescuing the Prince of Wales from his present embarrassed

and distressed situation. Mr. Pitt having answered that he had not been honoured with any commands from his Majesty on the subject, the alderman gave notice that, on the fourth day of May, he should bring the matter before the House, by a regular motion.—In the intermediate time, on the 24th of April, Mr. Pitt took occasion to inquire of the Alderman the precise nature and tendency of his promised motion, and truly represented the subject as one of extreme delicacy. He declared, that the knowledge which he possessed of many circumstances relating to it made him extremely anxious to persuade the House, if possible, to prevent the discussion of it. Should, however, Mr. Newnham persist in his resolution to bring it forward, it would be absolutely necessary to lay those circumstances before the public; and, however distressing it might prove to him, as an individual, he should discharge his duty to the country, and enter fully into the subject. At the same time, Mr. Rolle, an independent country gentlemen, declared (in evident allusion to a supposed marriage between the Prince of Wales and Mrs. Fitzherbert) that the question involved matter, by which *the constitution, both in church and state,* might be essentially affected; and that if the friends of the Prince of Wales persisted in

their attempt, it would be necessary to inquire into those circumstances also.

Three days after this conversation, Mr. Newnham informed the House, that the object of his proposed motion was an address to the King, praying him to take into consideration the embarrassments of the Prince of Wales, and to afford such relief as to his royal wisdom should seem fit, and which the House would make good. The discussion of the question was again deprecated by many of the members of either party, but Mr. Sheridan declared, that the insinuations and threats which had been thrown out, rendered it impossible for the Prince to recede with honour. He asserted, that he had the Prince's authority to say, that his Royal Highness had no other wish than that every circumstance in his conduct should be subjected to the most minute and accurate enquiry; that no part of it, whatever, should be treated with ambiguity, concealment, or affected tenderness, but that whatever related to him should be discussed openly, and with fair, manly, and direct examination; and that he was ready, as a peer of the realm, to give in another place the most direct answers to any questions that might be put to him.—Mr. Rolle replied, that he had acted, and should continue to act, as it became an independent country gentleman to do, when the dearest

interests of the nation were at stake, from the conviction of his own mind; and, if the motion proposed was persisted in, he should state, without reserve, his sentiments on the subject to which he had alluded. Mr. Pitt declared, that he had been greatly misunderstood, if it was conceived that he meant to throw out any insinuations injurious to the character of the Prince of Wales; the particulars to which he had adverted, and which he might find it necessary to state fully to the House, related only to his pecuniary affairs, and to a correspondence which had taken place on that subject, and which he thought would satisfy the House of the impropriety of complying with the proposed motion.

No further notice was taken of the subject till the 30th of April, when Mr. Newnham made some comments on the observations of Mr. Rolle, on the preceding Friday, and added, that neither he nor the Prince saw any grounds for those apprehensions which others had conceived from the proposed discussion, which, at the desire of his Royal Highness, he should certainly pursue. And he assured the house, that the Prince was not to be deterred from his purpose by the base and *false* rumours which were spread abroad concerning him. The alderman here alluded to the report of the Prince's marriage, his denial of which must, of course, be considered

as the denial of the fact by the Prince himself. But, indeed, if any doubt could have remained, on that point, it must have been effectually removed by the very direct and positive declarations of Mr. Fox, who had not been present during the former discussions, and who now embraced the opportunity for delivering his sentiments on the subject.

Mr. Fox stated, that he came down that day, *with immediate authority from the Prince of Wales*, to assure the house there was no part of his conduct which he was either afraid or unwilling to have investigated in the fullest manner. He wished the correspondence alluded to by Mr. Pitt to be produced, from a consciousness that its disclosure would redound to the honour of the Prince And on the subject of the debt, he declared the Prince's readiness to give a fair and general account of every part of it, if such should be the wish of the House. He then adverted to the marriage. With respect, he said, to allusions made by Mr. Rolle to something *full of danger to the church and state*, he wished he had spoken more explicitly. If he alluded to a certain low and malicious rumour, which had been industriously propagated without doors, *he was authorized* * *to declare it to be a falsehood*.

* It was supposed, at the time, that the want of this authority had alone prevented Mr. Fox from taking any part in the previous conversation on this subject.

He had thought that a tale, fit only to impose upon the lowest of the vulgar, could not have gained credit for a moment in that House, or with any one who possessed the most ordinary portion of common sense and reflection;—but when it appeared that an invention so gross and malicious, a report of a *fact which was absolutely impossible to have happened,* had been circulated with so much industry and success, as to have made an impression on the minds of the members of that House, it both proved the uncommon pains taken by the enemies of the Prince of Wales to depreciate his character, and to injure him in the opinion of his country, and ought to be a caution to the House, and to the nation at large, how they gave credit to any other scandalous and malignant reports that were circulated to his prejudice. He farther declared, that he was authorized by the Prince to say, that his royal highness was ready, as a peer of the realm, to answer, in the Upper House, any the most pointed questions which could be put to him respecting this report, or to afford his Majesty or his ministers any other assurances or satisfaction which they might require.

As Mr. Fox stated the fact of the marriage as impossible to have happened, it was, very naturally, considered, that he could speak only of a *legal* marriage, because, certainly, the marriage

ceremony *might* have been performed, though the law destroyed its validity; in otherwords, a marriage *de facto*, might have taken place, though not a marriage *de jure.*—It was therefore essentially necessary to demand a clear explanation of his meaning. Accordingly, Mr. Rolle stated, that he was not singular in his fears for the church; other gentlemen had been equally alarmed, and he should be happy to find, that their apprehensions were groundless. Mr. Fox had said, that the fact alluded to was impossible to have happened. They all knew, indeed, that there were certain laws, and acts of parliament, which forbade it, and made it null and void; but still it might have taken place, though not under the formal sanction of law; and upon that point he wished to be satisfied.

Mr. Fox replied, with more asperity than correctness, that though what he had said before was, he thought, sufficient to satisfy every candid and liberal mind, he was willing, if possible, to satisfy the most perverse. When he denied the calumny in question, he meant to deny it, not merely with regard to the effect of certain existing laws, but to deny it *in toto*, in point of fact. The fact not only never could have happened legally, but never did happen in any way whatsoever, and had from the beginning been a base and malicious falsehood. Mr.

Rolle having desired to know whether this last assertion was to be understood as having been made, by Mr. Fox, from direct authority, Mr. Fox, most explicitly answered, that *he had direct authority.**

The country was, no doubt, highly indebted to Mr. Rolle for having brought this very important question to an issue. But for his introduction of the subject to the House, it is highly probable, that the formal and authoritative denial of the fact would never have been called for, and would never have been made; and the public would have been left, either in a state of uncertainty respecting it, or would have retained those false impressions which a very large portion of them had certainly imbibed.—For though the matter had been treated, by the friends of the Prince, as too preposterous for serious belief, it had become the subject of discussion in the periodical publications of the day; and one tract, in particular, had appeared, in

* The substance of this account is taken from the Annual Register for 1787, and as that work was, at the time, written under the immediate superintendance of Mr. Burke, who was then intimately connected with Mr. Fox, not only politically, but personally, who had access to every source of information; and who, consequently, could not, on a point of such importance, be subject either to misconception or mistake, perfect reliance may be placed on its accuracy.

which the belief of the marriage had been expressed, and declared to be founded "on solid grounds."* Many of the friends of Mrs. Fitz-

* "A Letter, to a Friend, on the reported marriage of his Royal Highness the Prince of Wales, by Mr. Horne Tooke;" dated April, 1787.—I did not refer to this Letter, till after the reflections, which precede the account of this transaction, had been written. On reading it, I find a striking conformity of sentiment between Mr. Tooke and myself, on that part of the subject which relates to the relinquishment of his proper state by the Prince of Wales.—The passage in Mr. Tooke's Letter runs thus: "What will be his (the Prince's) feelings hereafter, if some ambassador of his own shall, in a foreign land, retire from the station and dignity which he was appointed to uphold, as the representative of his sovereign, in order to apply the income of his office to the discharge of his debts; and thus attempt to avoid the reproach of private insolvency, by the misapplication of public money? The revenue of the Prince of Wales is granted to the heir apparent to live like the heir apparent; and *in trust* that he will maintain a correspondent state: for his dignity is the dignity of the nation, and the revenue is not his to apply to any other purpose." It would be astonishing that a truth so obvious, and so strong, should never have been pressed on his Royal Highness, if it were not a melancholy fact, that few are found with sufficient honesty and virtue to speak truth to princes!

In another popular tract, published at the beginning of the same year, the marriage was pointedly alluded to: "He (the Prince) may give the final wound to his popularity, and to the fond partiality of a great people, by forming a *connection* of so ambiguous, so enigmatical, and so undefined a nature, that mankind, with anxious, but fearful, eyes, shall tremble to

herbert positively asserted the fact of the marriage; and even the name of the clergyman who had performed the ceremony was mentioned. It was, therefore, essentially due to the character of the Prince, which had been subjected, on this account, to many rude and licentious attacks, to promote such an investigation of the business as should fully satisfy the public mind. And that satisfaction could not have been produced without such an explicit and peremptory denial of the fact, upon the direct authority of the Prince, as that which the question of Mr. Rolle extorted from Mr. Fox.

Another error, into which the friends of the Prince fell upon this occasion, was their forbearance to declare their sense of the transaction, if it had really taken place, and which was duly described by Mr. Rolle as full of danger to the church and state.—A brief review of the law upon the case will suffice to shew the justice with which he characterized it.

explore, what yet they desire to ascertain.—And if this extraordinary and nameless *union* should be formed with a person, of a religious persuasion different from that of the country in which so strange a scene is acted, it is only to contempt and ridicule that he can fly, to avoid general disapprobation and resentment." *A Short Review of the Political State of Great Britain, at the commencement of the year* 1787.—*Fourth Edition*—*p.* 18.

The statute I. of William and Mary, st. 2. c. 2. s. 9. contains the following clause: "And "whereas it hath been found by experience, "that it is inconsistent with the safety and "welfare of this protestant kingdom, to be "governed by a popish prince, or by any king "or queen *marrying a papist;* the said lords, "spiritual and temporal, and commons, do fur- "ther pray that it may be enacted, that all and "every person and persons that is, are, or shall "be reconciled to, or shall hold communion "with, the see or church of Rome, or shall "profess the popish religion, or *shall marry a* "*papist,** shall be excluded, and be *for ever* in-

* Mr. Tooke, indeed, whose letter bears a tone of authority, not likely to be assumed, without good reason, asserts, that Mrs. Fitzherbert was not a papist.—" Whatever religious "opinions *Mrs. Fitzherbert* may or may not have formerly enter- "tained, (a matter perfectly indifferent) *her royal highness* is "NOT a papist.—And whoever shall assert the contrary, if they "mean to do it either with honesty, or safety to themselves, "should take good care to be well-provided with evidence.

" I think I am well justified in asserting, that, since the "period of her marriage, her royal highness has not performed "any one act of any kind whatever, which can justify such a "denomination. And not only my own opinion of her under- "standing and good sense assures me of it, but such authority, "as leaves no doubt, in my mind, confirms the assurance, that "she is both ready and willing, at any time, to give proof of "her conformity to the established religion of the land." Letter—p. 42.

"capable to inherit, possess, or enjoy, the "crown and government of this realm and Ire- "land, and the dominions thereunto belonging, "or any part of the same, or to have, use, or "exercise, any regal power, authority, or juris- "diction, within the same; and in all and "every such case or cases, the people of this "realm shall be, and are hereby, absolved of "their allegiance; and the said crown and "government shall, from time to time, descend "to, and be enjoyed by, such person or per- "sons, being protestants, as should have in- "herited and enjoyed the same, in case the said "person or persons so reconciled to, holding "communion, or professing, or *marrying*, as "aforesaid, were naturally dead."

It is perfectly clear, that the forfeiture of his right to the crown is, by this law, attached to the mere act of marriage between the lawful heir and a papist. The words are clear and positive; they admit of no quibble or subterfuge; their meaning cannot be mistaken, nor

Whether or not Mrs. Fitzherbert was prepared to sacrifice her religion for the prospect of a throne, it is not now worth while to enquire; but it is very certain, that, since the period in question, she has openly professed the Romish faith, and had her regular director, who has boasted, and probably not without reason, that she is, though a *secret*, a *very staunch friend* to the cause of *popery*.

evaded.—But it has been contended, that the penalty of this statute has been rendered null by a subsequent act of Parliament, passed in the twelfth year of the present King, for the purpose of regulating the marriages of the royal family, as far as the consent of the Sovereign was concerned. By the eleventh chapter of that statute, it is enacted, "that no descendant of "the body of his late majesty, George the se-"cond, male or female, (other than the issue of "*Princesses*, who have married, or may here-"after marry, into foreign families) shall be capable "of contracting matrimony, without the previous "consent of his Majesty, his heirs, or successors, "signified under the great seal, and declared in "council; and that every marriage, or matri-"monial contract, of any such descendant, "without such consent first had and obtained, "shall be *null* and *void* to all intents and pur-"poses whatsoever." Now, it has been pretended, that as this act renders *all* marriages, without the consent of the King, null and void, it annihilates, as it were, the marriage of the heir apparent with a papist, and *so* exempts him from all the penalties attached to such marriage by the act of the first of William and Mary. If this reasoning was at all valid, it would extend much farther, and prevent the deposition of a Sovereign who should marry a

papist, in contradiction to the provisions of the same statute of William and Mary. But unless the statute of George the third had *expressly* repealed the act of William, which it certainly does not, it is the height of absurdity to contend that it repeals it *virtually*, or by *implication*. Where, indeed, two statutes contain contradictory clauses, it has been settled, that the first is virtually repealed by the last, so far as the matter of such clauses extends; but this is by no means the case with the statutes in question, which are perfectly reconcileable with each other. By that of William, disinheritance is the penalty for marrying a papist: by that of George the third, such marriage, if contracted without the King's assent, is declared null: but will it be maintained, that the King's assent would suffice to legalize the marriage of the heir apparent with a papist, notwithstanding the statute of William? and if it would not, how can the statute of George be said to remove the penalty which the other statute attaches to such marriage? The fact is, that the first statute declares, that the heir apparent who shall so marry shall forfeit all right to the throne, and that the second declares, that the marriage so contracted shall be void: the nullity of the marriage can no more remove the penalty, than the penalty can legalize the marriage. Such

then being the case, it was a most fortunate circumstance for the Prince, and for the country, that the discussion took place, and that the question was laid at rest for ever. If this construction of the two statutes be just, and it is conceived that its justice cannot be controverted, had the marriage, which was reported to have taken place, been actually celebrated, the Prince would have been rendered "*for ever* incapable to inherit," and, as a person cannot transmit a title which he has himself forfeited, the incapacity would have extended to his issue, and a scene of contention and calamity been opened, from the contemplation of which every man, who loves his country, must revolt with horror.

Whatever turn the parliamentary discussion of the Prince's debts might have taken, it was highly desirable, on all accounts, to prevent it. Accordingly, on the day previous to that which had been fixed upon for it, Mr. Pitt had an interview with his Royal Highness, and, on the same evening, the Prince was informed, by the command of his Majesty, that every thing might be settled to his satisfaction. On the fourth of May, therefore, when the House was assembled, Mr. Newnham declared, that no further necessity for his intended motion then existed.----And the intelligence was received,

with great satisfaction, by all parties. The accounts of the Prince were then submitted to commissioners, named by the King, and on the 21st of May, the following message from his Majesty was delivered to both Houses of Parliament.

"It is with the greatest concern his Ma-
"jesty acquaints the House of Commons, that
"from the accounts which have been laid
"before his Majesty by the Prince of Wales,
"it appears that the Prince has incurred a debt
"to a large amount, which, if left to be dis-
"charged out of his annual income, would
"render it impossible for him to support an
"establishment suited to his rank and station.

"Painful as it is, at all times, to his Ma-
"jesty, to propose an addition to the heavy
"expenses necessarily borne by his people, his
"Majesty is induced, from his paternal affec-
"tion to the Prince of Wales, to recur to the
"liberality and attachment of his faithful
"Commons, for their assistance on an occasion
"so interesting to his Majesty's feelings, and
"to the ease and honour of so distinguished a
"branch of his royal family.

"His Majesty could not, however, expect
"or desire the assistance of this House, but on
"a well-grounded expectation, that the Prince
"will avoid contracting any debts in future.

"With a view to this object, and from an "anxious desire to remove any possible doubt of "the sufficiency of the Prince's income to support "amply the dignity of his situation, his Ma-"jesty has directed a sum of £10,000 per "annum to be paid out of his civil list, in ad-"dition to the allowance which his Majesty has "hitherto given him; and his Majesty has the "satisfaction to inform the House, that the "Prince of Wales has given his Majesty the "fullest assurance of his determination to con-"fine his future expenses within the income, "and has also a settled plan for arranging those "expenses in the several departments, and for "fixing an order for payment under such regu-"lations as his Majesty trusts will effectually "secure the due execution of the Prince's in-"tentions.

"His Majesty will direct an estimate to be "laid before this House, of the sum wanting to "complete, in a proper manner, the work which "has been undertaken at Carleton House, as "soon as the same can be prepared with suffi-"cient accuracy, and recommends it to his "faithful Commons to consider of making "some provision for that purpose."

Two days after, the accounts of the Prince's debts and expenditure for three years, to July, 1786, was presented to the House: the former

amounted to £161,109; the latter to £193,648, making the annual expenses, independently of the debts, upwards of £64,000 per annum. The House addressed the King on the subject, requesting him to advance the money for the payment of the debts out of the civil list, and £20,000 towards the improvements at Carleton House, till such time as a regular estimate could be prepared, which sums they would make good.

Although the House had devoted so much time to the consideration of these proceedings, they had not lost sight of the grand inquiry which had been instituted in the preceding session, respecting the conduct of Mr. Hastings, nor yet relaxed in their efforts for bringing the question to a speedy issue. On the seventh of February, Mr. Sheridan opened the third charge, for the resumption of the Jaghires, and the confiscation of the treasures of the Princesses of Oude, the mother and grand-mother of the reigning nabob.—On this occasion, Mr. Sheridan, in a speech, the delivery of which occupied five hours and a half, displayed such wonderful powers of eloquence as astonished all who heard him. Mr. Pitt, Mr. Burke, and Mr. Fox, all combined to represent it as a master-piece of human genius, surpassing every thing which ancient or modern

history could supply. Its effect was such, that the house, feeling the impropriety of coming to a judicial decision, under the influence of such fascination, adjourned the debate till the following day.* Mr. Pitt, having listened, with attention, to all the arguments, on either side, briefly delivered his sentiments in support of the charge. He declared, that he had, from the first moment of their introduction to the House, considered the charges as containing matter of a most serious and important nature, in which the honour and character of that House, and the honour and character of the party accused, were both deeply involved.—He

* The adjournment was vehemently opposed by Mr. Fox and Mr. Michael Angelo Taylor, on the ground that it was utterly *unparliamentary* to adjourn for no other reason than because the members were too firmly convinced. This was the language, not of men exercising a judicial function, but of partisans contending for a political object. When it is remembered, that the House would pay no attention to one of Mr. Hastings's friends, who rose to answer Mr. Sheridan, and who was, on that account, compelled to sit down again without delivering what he had to say, it will afford matter for surprise, that a single individual could be found, in such an assembly, so totally forgetful of the first principles of justice, as to press for a decision without hearing *both sides* of the question.—If to adjourn for such a purpose were, indeed, *unparliamentary*, the fact could only tend to prove the total unfitness of a popular assembly for the exercise of judicial functions.

exhorted the committee, therefore, to deliberate with the greatest temper, and not to decide in any one stage of the business, without having previously made the fullest investigation of every fact stated in each particular charge, and a careful comparison of the whole of the evidence adduced, both in favour of the accused, and in support of the accusation against him; so that on whichever side they should finally give their votes, it might be on the fullest conviction, that they had discharged their duty honestly, impartially, and conscientiously. He had the satisfaction to know, that this had been the line of conduct which he had pursued from the moment that the subject had been first submitted to the consideration of Parliament; and, as he had ever been of opinion, that the charge relative to the Princesses of Oude, was that which bore upon the face of it the strongest marks of criminality and cruelty, so had he been particularly careful to guard against the impression of every sort of prejudice, and to keep his mind open for the reception of whatever could tend, on the one hand, to establish innocence, or, on the other, to bring home conviction of guilt; and, in order the better to enable himself to decide with safety, he had, with the utmost minuteness and attention, compared the charge, article by article, with

the evidence adduced at the bar in support of each, and with the various minutes and letters which had been brought before the House, or were any where to be found within his reach. He then declared, that although, for reasons which he should state, he thought himself bound to vote with the gentleman who preferred the charge, yet he wished it to be understood, that he did not accede to the whole of the grounds of the accusation contained in the charge, or to the inferences which had been drawn from them. The resumption of the Jaghires was a measure which, in his opinion, might, in certain situations, have been justified; but the situation of the India Company, as guarantee of the treaty, laid them under the strongest obligation, perhaps, positively, and at all events, to resist, but certainly not to encourage, it.—The seizure of the treasures, being supported neither by any formal proceedings of justice, nor by any state necessity, it was, he said, impossible not to condemn it; and it was greatly aggravated by making the son the instrument of robbing the mother.—The crime of Mr. Hastings, he thought still further aggravated by his concealment and suppresion of the orders of the court of directors, which expressly commanded a revision of the proceedings against these Princesses. With

respect to many other collateral circumstances, urged in aggravation of the charge, he considered them either not criminal, or not brought home to Mr. Hastings.—The charge was confirmed by 175 members against 68.

Mr. T. Pelham opened the fourth charge against Mr. Hastings, on the 2nd of March, relating to his corrupt and oppressive conduct to the Nabob of Furruckabad. During this discussion, Lord Hood stood forward in behalf of the accused party. His lordship, in a manner the most solemn and impressive, called the serious attention of the House to the consequences of proceeding with too scrupulous a nicety to canvass the conduct of those who had filled stations abroad of high difficulty and important trust. Certain actions, which appeared to those at a distance in a very criminal light, were yet, on a nearer view, perfectly justifiable on the grounds of absolute and indispensable necessity. Should the fear of an impeachment by Parliament hang over the head of every commander, in whom was placed the defence of our national possessions, it must necessarily operate as a dangerous restraint on their exertions, when it was considered, that no general or admiral had ever been fortunate enough to conduct himself, in the performance of his duty, without occasionally falling into circum-

stances in which the public service compelled him to do things, in themselves not pleasing to his feelings, nor strictly legal; but, from the indispensable necessities of their situation, perfectly justifiable. The example set by the House of Commons, in the present instance, would for ever stand before our future commanders, and create a great and dangerous clog to the public service. His advice was disinterested, for his age was such as to preclude all prospect of future employment on foreign stations; but he spoke for those who were to come after him. His regard for his country made him anxious to prevent the establishment of a precedent, by which all her services would, in future, be greatly impeded; and this, he was confident, would be the effect of punishing any harsh and severe, but perhaps necessary and indispensable, acts of power, which the saviour of India had, for the public good, been found to commit.

Mr. Pitt immediately arose, for the purpose of destroying the effect which these observations, from such a quarter, were so well-calculated to produce. He admitted, what indeed could not be denied, that in the case of every servant of the public, to whom vast and momentous concerns were entrusted, it was but just that when a complaint was made, the grounds of that complaint should be weighed

with the situation in which he stood. If he suffered the necessities of his service to carry him no farther than was absolutely indispensable, and endeavoured, though it could not be done to its full extent, to reconcile his duty to his country with that which he owed to individuals, he had then the double merit of discretion and of zeal; nay, even if, in his exertions for the public, he suffered himself to be carried beyond the line of strict and urgent necessity, provided it was evident that his intentions were fair and upright, God forbid that he, or any man, should deny him his due merit, or say that the abundance of his zeal ought not to be allowed to make ample atonement for the error of his judgment. But, he asked, was the conduct of Mr. Hastings, in that part of it now before the House, correspondent to such principles? Was the crime that day alleged against him justified by necessity; or was it of such a size and complexion as any existing necessity could justify? Where a departure was made from justice and right, it was not sufficient to say, that such a step was necessary; it was incumbent on the party to point out, and to prove, the necessity, and to demonstrate the consequences likely to result from a too rigid observance of strict justice and propriety. A comparison might then be formed between the

object to be gained, and the sacrifice to be made, and a judgment of censure or approbation founded on the result of such comparison: but, in the present instance, no state necessity whatsoever was attempted to be shewn, and, therefore, there was no ground whatsoever for those who saw a criminal tendency in the transaction to refuse their assent to the motion. As to the second topic on which Lord Hood had expatiated,—the general merits of Mr. Hastings, in the course of his service,—there had been a period, Mr. Pitt confessed, at which such an argument might have been urged with some force; but that period was now passed. The committee was then called upon to determine, not upon a general view of facts, the general merits or demerits of the person accused, but upon a particular investigation, the criminality or innocence of that single transaction.

Having drawn these strong and just distinctions, which proved not only the accuracy of his judgment, but the rectitude of his heart, Mr. Pitt proceeded to consider the charge immediately under discussion, and to assign his reasons for thinking it a fit subject for impeachment.—It was then carried by 112 votes against 50. On the fifteenth of March, sir James Erskine brought forward the charge relative to contracts and salaries; an alteration

of which was proposed by Mr. Pitt, who was anxious to narrow its objects, as he could not give his assent to the whole of it. His proposition for that purpose, however, was overruled by the House, who confirmed the charge by a majority of 34. On the twenty-second of the same month, Mr. Windham introduced the sixth charge, respecting Fyzoola Khan, the rajah of Rampore, which, after some objection to certain parts of it, by Mr. Dundas, was also carried, by a majority of 37. The seventh charge, which related to the corrupt receipt of bribes and presents, was opened by Mr. Sheridan, on the second of April, and supported by Lord Mulgrave, and Mr. W. Grenville. After it was carried, a conversation ensued upon the future mode of proceeding in this important business, in the course of which, much was said respecting the intended plea of a *set off*, or a balance of merits and defects, to be preferred, on the grand question of impeachment, by the friends of Mr. Hastings. In consequence of this, Major Scott arose, in his place, the next day, disclaimed all such intention, and read, as part of his speech, a paper written by Mr. Hastings, in which he expressed a hope that no opposition would be made to the question of impeachment. Mr. Hastings presumed that, in the present examination of his public

conduct, there were two leading, and exclusive, objects, of equal and reciprocal obligation; namely, that justice might be done to the nation, in the redress or punishment of wrongs, which it might be eventually proved that it had sustained by his acts; and that justice might be done to an individual, who might be eventually proved to have been wronged by unfounded accusations, and who even thought that he had a claim to the applause of his country, for those very acts which had been drawn into crimination against him. If it should be resolved by the House, there was ground for impeaching him for high crimes and misdemeanors, on the charges on which the committee had already passed that decision, he presumed, that the resolution for the impeachment ought to follow of course, as the only means which could satisfy the justice of the nation in the supposition of his guilt, or clear his character in the supposition of his innocence. With regard to the first of these conclusions, he had no alarm; but for the last, he might, in common with the meanest subject of this realm, assert his right to the benefit and protection of its laws; and he trusted, that the House of Commons, which had ever been considered as the guardian and protector of the laws, would not suffer his name to be branded with the

foulest and blackest imputations upon their records, without allowing him, at the same time, the only legal means of effacing them, by tranferring them for trial to the House of Peers, in the form of an impeachment. The paper concluded with a request, to those members who had hitherto defended Mr. Hastings, that in the event of a decision, by the House, that there was ground to charge him with high crimes and misdemeanors, they would afford him the benefit of their votes, though united with those of his persecutors, that he might be brought to legal trial for the same.

The resolutions of the committee were then confirmed by the House, and a committee appointed to frame articles of impeachment.—Mr. Francis, who had had a personal quarrel with Mr. Hastings, in India, by whom he had been shot through the body in a duel, being proposed as a member of this committee, the House divided upon the question, and he was rejected by a majority of more than two to one. The charge respecting the revenues of Bengal was opened, by Mr. Francis, on the 9th of April, and was carried by a majority of 16 only. The articles of impeachment having been prepared by the secret committee, were read a first time on the 25th of April, and a second time on the 9th of May, when a long discussion took place.

Lord Hood took that occasion to renew his objections to the whole proceeding, which were supported by Mr. Wilkes, Mr. Smith, alderman Townsend, and Mr. Hay Campbell, the lord advocate of Scotland. These gentlemen urged, that the silence of the natives of India, who were stated to have been so grievously oppressed, was a strong ground for disbelieving the truth of the accusation;—and they asked with what propriety they could impeach Mr. Hastings for extortion and plunder, while the nation, or the India Company, were suffered quietly to enjoy the fruits of them. They were answered, at some length, by Mr. Pitt, who repeated all his past arguments on the subject of the various charges, and concluded with declaring, that the House could no otherwise consult their own honour, the duty which they owed their country, and the ends of public justice, than by sending up the impeachment to the House of Lords. On a division, the final question of impeachment was carried by 175 to 89. The majority of the House then proceeded with Mr. Burke to the House of Peers, where that gentleman solemnly impeached Mr. Hastings of high crimes and misdemeanors, in the usual form; and acquainted the Lords, that the Commons would, with all convenient speed, exhibit articles against him, and make good

the same. Mr. Hastings was, afterwards, taken in custody of the Serjeant of the House, and by him delivered up to the gentleman usher of the black rod. The articles were then read to him, by the clerk of the House of Lords, and the reading occupied four hours: after which he was admitted to bail, himself in £20,000, and two sureties, Mr. Sumner and Mr. Sullivan, in £10,000 each; and he was allowed to have a copy of the articles, and to the second day of the next session, to prepare for his defence.

The remaining articles of impeachment were voted by the Commons, on the 28th of May, without any division or debate, and carried to the Lords, where copies of them also were ordered for the use of Mr. Hastings, and on the 30th the King prorogued the parliament.

Mr. Pitt's conduct, during this inquiry, was strongly censured by the party-writers of the day.—One of the most able of these observed— "In his vote upon that memorable transaction, "I can neither trace the liberality and expan- "sion of a superior mind, nor the consistency "and sound policy of an able minister. The "exultation and triumph, with which his "enemies beheld the error that he had com- "mitted; the concern and condemnation which "many of his friends expressed and affixed to

" his conduct; the astonishment and incre-
" dulity with which the intelligence of it was
" received at Versailles;—all these concur to
" evince, that the measure was as injudicious in
" its nature, as I believe it will be found per-
" nicious in its effects."

Mr. Pitt's conduct was certainly not that of a *partisan*, and, therefore, all *party-men* might, very naturally be disgusted with it;—but, most assuredly, it was the conduct of an honest and upright member of parliament. Feeling as he did feel, and thinking as he did think, on the subject of the charges preferred against Mr. Hastings, he could not, consistently with justice, and with duty, act otherwise than he did act. In the consideration of this momentous business, he totally laid aside the ministerial character, and acted merely in his judicial capacity. He weighed the evidence adduced on every charge, deliberately and dispassionately; he listened to all the arguments adduced either in support of, or in opposition to, the charges, patiently and attentively; and he formed his judgment on the whole, without passion or prejudice.—Finding, as he did, great criminality in the conduct of Mr. Hastings, and of such a nature, in his opinion, as to call for impeachment, he would have been guilty of a gross breach of duty if he had not voted for

an impeachment. It does not follow, however, that because Mr. Pitt acted properly, in voting for this prosecution, that others, who saw the matter in a different light, acted improperly in voting against it; nor yet, that though Mr. Pitt was right in supporting the impeachment, the impeachment was a wise and proper measure in itself.—It is only intended to rescue him from the charge of inconsistency, which has been, most unjustly, attached to his conduct, without joining in those censures which were, with more profusion than judgment, lavished on that of Mr. Hastings, and the injustice of which the issue of his trial has, most completely, established.

CHAP. X.

Affairs of Holland—The Stadtholder deposed—Insidious conduct of France—Death of Frederick, King of Prussia—His title to the appellation of GREAT disputed—Conduct of his Successor with regard to Holland—A Civil war breaks out.—Arrest of the Princess of Orange on her way to the Hague—Resented by the King of Prussia—Duke of Brunswick enters Holland with the Prussian army—restores the Stadtholder and the former government—State of France—Dawn of the French Revolution—Causes which produced it—The Dauphin's opinion of the writings of the French Philosophers and Economists—The President de Seguier's Sentiments on the same subject—Their predictions realized—Distress of the Finances—Assembly of Notables—Dissolved, without any attempt to relieve the national distress—Parliament refuse to register the Stamp-duty—The king holds a bed of Justice—Factious conduct of the Parliament—Its members banished—Recalled—Dangerous compromise of the Royal Authority—Determination of the French King to assist the Dutch malcontents communicated to the British Ministry—Spirited Conduct of the minister on that occasion—Augments the Navy and Army—France relinquishes her Design—Reflections on her conduct—Meeting of Parliament—Conduct of the Minister unanimously approved by both Houses—Subsidiary Treaty with the landgrave of Hesse Cassel—Proposed increase of the means of Colonial Defence—Debate on the same—Defended by Mr. Pitt—Discussion respecting a recent promotion of Naval Officers—East-India Company refuse to send troops to India, on the re-

quisition of the Board of Control—Animadversions on their Conduct—Declaratory Law for defining the powers of the Board of Control as settled by Mr. Pitt's East-India Bill—The Definition defended by Mr. Pitt, and Mr. Dundas—Opposed by several of Mr. Pitt's Friends—and by Mr. Fox—Mr. Pitt's opinion of the propriety of incorporating the King's Troops in India with the Company's Army—Of Standing Armies in general—He introduces several clauses into the Bill, for the purpose of obviating the objections of its Opponents—Bill passed—The Budget.—Flourishing State of the Country explained by Mr. Pitt—denied by Mr. Sheridan—Mr. W. Grenville's bill for explaining his father's act respecting the trial of contested elections—The Slave-Trade—Its consideration postponed, on the motion of Mr. Pitt, to the next Session—Sir William Dolben's Bill for regulating the transportation of negroes from Africa to the West Indies—Mr. Pitt's plan for the indemnification of the losses sustained by the American Loyalists, unanimously approved by Parliament—Trial of Mr. Hastings—Motion for appointing Mr. Francis a member of the committee for conducting the Prosecution—Rejected by the House of Commons—The same motion renewed by Mr. Fox—Opposed by Mr. Pitt and Mr. W. Grenville—again rejected—Reflections on the subject—Account of the Expenses attending the trial moved for and produced—Sir Gilbert Elliot's motion for impeaching Sir Elijah Impey rejected—Defensive Treaty of Alliance with Holland—with Prussia—Parliament prorogued.

[1787.] While England was thus in possession of undisturbed tranquillity, and her government quietly employed in devising and executing means for opening new sources of national

prosperity, and for promoting the national welfare and happiness, some of the neighbouring states presented a very different scene. In Holland, the rage of faction had risen, by progressive movements, to a height which threatened the dissolution of the social compact. The spirit of republicanism, in itself sufficiently averse from the necessary restraints of legal subordination, had, by the success of its first efforts against the constitutional authorities of the state, become so inflated with pride, so puffed up with imaginary consequence, as to lose the best features of its original character, and to assimilate itself, in its counsels and actions, to the wildest spirit of a ferocious democracy.— The Stadtholder, who had transferred his court to Nimeguen, was successively stripped, by the turbulent states of Holland, of every office and dignity which he enjoyed. These restless spirits, forgetful of the vast debt which their country owed to the family of the Prince, to which they had been indebted for their liberation from the most abject state of religious and political slavery, thus proceeded to acts of open rebellion; and degrading themselves, if possible, still farther, courted the aid and alliance of France; of that power which had, more than once, threatened their freedom and independence with annihilation, and laboured to restore them

to their former miserable and wretched situation. The court of France, in pursuance of that narrow and insidious policy, which had almost uniformly marked her councils, and influenced her conduct, secretly fanned the flame of revolt, promised to the malcontents the most powerful assistance, and actually sent officers and engineers, in disguise, to serve in that army which was employed in opposing the lawful authority of the chief magistrate.

The attention of Europe was, for a while, diverted from the contemplation of these disgraceful scenes, by the death of Frederick the Second, King of Prussia,* the Sage of Sans Souci;—a Prince who had established the independence, and extended the limits, of his country, by his mental fortitude, and personal skill; while he had promoted the prosperity and happiness of his subjects, over whom he ruled with absolute sway, by the wisdom of his counsels, and the prudence of his economical regulations. To whatever pretensions this conduct might afford to the appellation of *Great*, too often bestowed without consideration, and without justice, Frederick was certainly entitled. But it must not be forgotten, that in all the essentials of *goodness*, without which true

* He died on the 17th of August, 1786, in the 75th year of his age.

greatness cannot subsist, this prince was miserably deficient. In aspiring to become a PHILOSOPHER he ceased to be a CHRISTIAN. Realizing the fable, he grasped at the *shadow*, and lost the *substance*. Woeful extent of human depravity! wretched perversion of human intellect! At one time, his court was crowded with infidel philosophists, chiefly imported from France, who administered food to his vanity, and, being fattened on his bounty, treated him with contempt, and made him the subject of reproach. "He may be," said they, "a philosopher among Kings, but he is only a King among philosophers." The *compliment* was entirely unmerited, for his majesty was nearly as far advanced in their principles of philosophy, as they the masters of the school. The effects of his impious contempt of religion soon became visible, not only upon those around him, but in his own personal conduct, of which well-authenticated instances have been recorded, too disgusting and too horrible for the page of history to preserve.

The new monarch of Prussia, Frederick-William, whose sister the Stadtholder had espoused, early resolved to take a decisive part in restoring tranquillity to Holland, and in reinstating the Prince of Orange in the power and dignities which had been wrested from him by the hand of revolt. He proceeded, however,

with great caution, and, in the first instance, satisfied himself with proposing to open a negotiation for an amicable arrangement of existing difficulties, under the joint mediation of himself and the King of France. A Prussian and a French minister were accordingly dispatched, for that purpose, to the Stadtholderian court, at Nimeguen; but the democratic party, imputing this cautious conduct to a repugnance, in the King of Prussia, to adopt a more active mode of interposition, and placing a full reliance on the promised support of France, rose so high in their demands, and became so insulting in their proposals, that the conferences were suddenly broken off. A civil war soon followed, the army of the Prince, came to blows with that of the insurgents, and the flames of internal discord threatened to extend from one extremity of the republic to the other.

At this juncture, the princess of Orange undertook a journey to the Hague, in order, as she affirmed, to make some friendly propositions to the States-General. She was, however, stopped, in her way, by the civic commander of a republican corps, who arrested her progress, took her into custody, and treated her with insolence and brutality. This event afforded the King of Prussia a new pretext for interference. He declared his resolution to avenge the outrageous insult which his sister had sustained, and

he formally demanded reparation, of the States, and the punishment of the offenders. The States-General expressed their abhorrence of the conduct observed by the insurgents, and their perfect approbation of his Majesty's proceedings. The states of Holland, however, who were the instigators and leaders of the revolt, and who had previously sanctioned the seizure of the princess with their express approbation, returned an evasive answer to the King. But Frederick William was not to be deterred from the pursuit of his purpose;—he renewed his representations, in the most forcible terms, and even applied to the court of France on the subject. The French king, to the utter astonishment of the democratic party, joined his Prussian majesty, in reprobating the treatment which the Princess of Orange had experienced, and justified his demand of satisfaction.—No attention being paid to his repeated remonstrances, he gave final orders to the Duke of Brunswick to enter the territory of Holland with a Prussian army.—That general accordingly entered the province of Guelderland, on the 13th of September, 1787, and, after a series of operations, most skilfully combined, and most rapidly executed, in less than a month he subdued all resistance, took possession of the refractory

city of Amsterdam, on the 10th of October, and restored to the country its pristine form of government, and to its constitutional chiefs their former authority.

But, during this time, a scene of a different nature began to be exhibited in the neighbouring kingdom of France;—a scene less gloomy in its origin, but more comprehensive in its range, and, unhappily, more permanent in its duration.—In short, the dawn of that revolution, which, in its effects, has desolated one-half of Europe, and spread consternation over the whole civilized world, had now begun to appear. To give even a brief abstract of the various causes which combined to produce this wonderful phenomenon, in the political hemisphere, and to trace a faint outline of its destructive progress, would greatly exceed the limits of such a work as the present, and would require a still larger work, devoted exclusively to that subject.* It will be sufficient, for the present purpose, to observe, that the change

* It is the Author's determination to write a full and complete history of the French Revolution, from a conviction of the absolute necessity of recording all its dire events, that posterity may not be deprived of the awful, and most instructive, lèsson, which it affords. An immense mass of materials has long been collected for the purpose.

which appeared in the public mind, though apparently sudden, had been the gradual work of time; the chief causes which united to effect it, were—first, the writings of the French economists, which had long been circulated, with wonderful industry, partly in an open manner, but, more generally, under the suspicious appellation of *Livres defendues*, or prohibited publications, which contained the most impious and immoral principles and reflections: second, the part which France had taken in the war between Great Britain and her American Colonies, and the close intercourse which it occasioned between the subjects of a despotic monarchy, and the colonial rebels of a free state: and, third, the financial distress which proceeded from the unhappy interference in that contest.—The last was the immediate cause, or rather the direct instrument, of the revolution. The vast expense attending the last war had entailed burthens on the country, which the skill of successive ministers had, in vain, been exercised either to remove, or to support.—And in the year 1786, the enormous deficit of one hundred millions of livres, or four millions, one hundred, and sixty thousand pounds sterling, by which sum the annual expenditure exceeded the revenue, imposed on the govern-

ment the absolute necessity of adopting some immediate means for restoring the lost credit of the state, and of providing for its own regular support.

But though this financial distress was the operative course of producing the events which followed, or rather, the cause of those preliminary measures, which supplied, at once, the pretext and the means of producing them; yet, unless the public mind had been previously prepared for their reception by the writings of the philosophists, the difficulties of the government would easily have been removed, without incurring danger, and without exciting discontent. The principles which these pestiferous ministers of revolt professed and promulgated, had made considerable progress before the accession of Louis the sixteenth to the throne; and had been duly appreciated, as well by the virtuous and intelligent father of that prince, the Dauphin of France, as by different members of the magistracy. The Dauphin truly observed of them: "Formerly the name of "philosopher inspired veneration; but to call "any one a philosopher *now*, would be an insult "which might subject the party committing it "to a prosecution."—"I have studied them, I "have examined their principles, and their "consequences; in some of them I have dis-

"covered a spirit of libertinism and corruption, "interested in decrying that morality which "imposes a restraint on their efforts; and in "casting doubts on the existence of a future "state, the apprehension of which fills them with "alarm: others, led away by the ridiculous "vanity of erecting a system of their own, "seek to reduce the Deity to a level with their "own understanding, and to reason on his "attributes and his mysteries, in the same "manner in which it is permitted to reason on "his works.

"Our new philosophers," says the Dauphin, in one of his letters, "maintain that the throne "was the work of violence, and that what was "raised by force, may, by force, be pulled down "and destroyed,—that the people can only lend, "not cede, their authority, which they have "a right to delegate and recall, as personal "interest, their sole master, requires.

"What our passions would barely insinuate, "our philosophers openly teach: that a prince "may do whatever he *can*, and that he has "discharged his duty when he has satisfied his "desires; for, in fact, if this law of interest, "that is to say, if the caprice of human pas-"sions should be generally adopted, so as to "cause the law of God to be forgotten, then "all ideas of justice and injustice, of virtue

"and vice, of moral good and evil, would be "effaced and annihilated in the mind of man: "thrones would totter; subjects would become "factious and intractable; and sovereigns "would lose their benevolence and humanity; "the people would be always either in a state "of revolt, or in a state of oppression."*

It was impossible to describe the natural effects of these pernicious principles with greater accuracy.—The same just opinion of such writers, and of their productions, was publicly proclaimed by Mr. Seguier, an eminent magistrate, in a speech which he delivered to the parliament of Paris, in the year 1775.

"The time is come when the clergy and "magistracy should unite to repel the attacks "made by the hands of the impious on the "throne and the altar. The magistrates, while "they preserve the public peace, and administer "justice to the people, will also enforce respect "for the sacred writings, our holy dogmas, and "divine mysteries; and the successors of the "apostles, who are depositaries of the doctrines, "and judges of the faith, while they announce "the word of God, and give instruction to the "faithful, will render the authority of the laws

* Vie du Dauphin, pere de Louis XVI, par M. L'Abbé Proyart; 8vo. p. 72—74.

"respected; will maintain the people in that "submission which they owe to their sovereign; "and will teach them to consider the oracles of "justice, as a portion of the Divine Justice "itself, which enforces obedience to the powers "which heaven has established upon the earth.

"This precious harmony will soon banish, "from the midst of a people who are religious "and submissive, that vile heap of licentious "publications, scandalous pamphlets, and im "pious libels, which attack both the Majesty "of Heaven, and the majesty of the throne. "The writers of the age, whom nothing "hitherto has been able to restrain, will be "alarmed at this long designed union; they will "equally dread the censures of the church, and "the avenging looks of the ministers of the "law. They will no longer be seen to turn "into derision the sacred allegories of the "scriptures; they will no longer amuse them "selves with that copious profusion of ridicule "which the frivolous gaiety of the French "seizes with avidity; which serves them as a "substitute for argument; and which, finally, "will lead to the destruction of the ancient "creed of our forefathers, whose simplicity "was far preferable to the levity of our princi- "ples, and the looseness of our manners.

"Impiety," said Mr. Seguier, on another

occasion, "daily makes fresh progress. It is "not thought sufficient to attack, in argumentative writings, the fundamental truths of our "holy religion;—as this kind of discussion "requires knowledge, and comes not within "the scope of every man's comprehension, "irreligion, ever fertile in expedients, and incredulity, which sacrifices every thing to the "accomplishment of its ends, now take a "shorter and an easier road. *False philosophy*, "which seeks but to destroy, under pretence "of instructing,—that body, ever active, though "concealed, which seems only occupied in "preparing, in darkness, the means of effecting "a *sudden revolution, in religion, in government*, "and *in manners*;—that impious sect now "throws off the mask, and openly presents its "daring front."

Appearances, in this case, were not deceitful: the philosophists of that day not only *seemed* to be preparing, but actually *were* preparing, a revolution in religion, in government, and in manners; and some of them lived to behold the blessed fruits of their pious endeavours. — But it is highly probable that their efforts would have taken much longer time to bring to maturity, if it had not been for the American war, and its immediate consequences. The means proposed, after much deliberation,

for restoring order to the finances, and for replenishing the exhausted coffers of the state, was the convention of an assembly of notables. The last assembly of this kind, which had been convened in France, met at Paris in December, 1626, during the reign of Louis the thirteenth, and it consisted only of the ministers of the crown, the principal nobles of the court, the first presidents of the different parliaments, and of the chambers of accounts, and some of the dignitaries of the church. But the notables, assembled by Louis XVI. comprehended a greater number and variety of persons, and the benevolent monarch, who had only the good of his country, and the welfare of his subjects, at heart, fondly hoped to derive from their advice and assistance the most speedy and efficacious relief. They met at Versailles, on the 22d of February, 1787, when M. de Calonne, then at the head of the exchequer, opened to them the distressed state of the finances, and the most eligible means for remedying the evil.—He proposed an equalization of the land tax; and the removal of certain exemptions enjoyed by the nobility, the clergy, and the magistracy. But when such a proposition was submitted to nobles, magistrates, and clergy, it required but a slight knowledge of human nature to anticipate its fate. It was, of course, rejected;

and the Notables, after sitting till the 25th of March, and suggesting the means of reforming some minor abuses, in the collection of the revenue, which were eagerly adopted by the King, were, on that day, dissolved by his majesty. It was, however, indispensably necessary to impose new taxes, in order to relieve the urgent distresses of the state, and an additional poll-tax, the re-establishment of the third twentieth, and a stamp duty, were the resources applied to on this occasion. The Royal Edicts, were sent, as usual, to the parliament to be registered; but that which enforced the stamp-duty was violently opposed by the magistrates, who peremptorily refused to register it; and the King was compelled to hold a bed of justice, in virtue of his absolute authority, at which he compelled them to enter it in their registers.

Louis the Fourteenth had, in the plenitude of his power, abolished the right which the parliament of Paris had long exercised of *remonstrating* against the Edicts of the crown, but it had been restored, in 1716, by the Regent duke of Orleans, who wanted to conciliate the good-will of the parliament, and to obtain their sanction to his innovations. Not content, however, with the exercise of this right, on the present occasion, they proceeded to the

adoption of a measure, most violent and unconstitutional. The day after the edict was registered, (August 7th) they entered a formal protest against its validity; and, assuming an authority superior to that of the crown, declared that it neither ought to have, nor *should* have, any force; and that the first person who should dare attempt to give it effect, should be adjudged a traitor, and condemned to the galleys. Thus, while these champions of the law were arraigning the conduct of their sovereign, though sanctioned by prescription, they were themselves guilty of the most illegal acts, in the assumption of the supreme power, both legislative and executive; in not only exhorting the people to disobey their lawful monarch, but in converting their obedience into a crime, and in assigning to it a punishment, unknown to the law.—This was the signal for the manifestation of that rebellious spirit, which immediately began to display itself in the writings and conversation of the Parisians. No alternative was now left to the crown, but to punish the parliament, or to resign its own authority. Accordingly, every member of the parliament was sent in exile, to Troyes, in Champagne, a royal edict was published, declaring their late resolutions to be illegal and null; and a large body of troops were stationed in the metropolis,

to control the licentious spirit of its inhabitants. But no steps were taken to enforce the collection of the taxes which had given rise to these measures; and the pliant temper of the King, combined with the difficulties and distress occasioned by the stoppage of all public business, induced him to recall the parliament in the month of September. This was the beginning of these fatal concessions, which marked almost every subsequent step of this monarch's unhappy reign.—Never was a prince more ill-advised. Before the obnoxious taxes had been sent to the parliament to be registered, it should have been well considered, whether they were such as, under the peculiar circumstances of the country, ought to be levied. And if, as it is fair to presume, they so appeared to the government, they ought not to have been deterred, by the factious opposition of the judicial courts, (for factious it was, both in language and principle) from enforcing their collection. Either, in a word, the measures should not have been adopted, or, being adopted, they should have been executed. The weakest minister might have perceived the dreadful consequences of thus compromising the regal authority, as if only to show with what security and success it might be resisted;—a lesson

which monarchs can never teach their subjects without imminent danger to themselves.

It was at this particular crisis, that the civil dissentions in Holland had risen to such a height as to call for, and justify, the decisive interference of Prussia, exerted in the manner already described. And here the ministers of France again placed their sovereign in the most awkward predicament. It has been seen, that it had been the uniform policy of the French Cabinet to foment the divisions in Holland, and to encourage the republican party in their opposition to the Stadtholder, with a view to establish such an influence in the councils of the United Provinces, as would effectually prevent them from forming any alliance with England, and secure their attachment to, if not their dependence on, France. Not only, then, in pursuance of this system, had they been lavish in their promises of assistance to the malcontents, but had actually supplied them with officers and men, though secretly, when threatened with attack by the prince's troops.— In reprobating the treatment which the Princess of Orange had experienced, the King had only gratified his own personal feelings, and no change had taken place either in the sentiments or designs of his ministers. But the time, at length, arrived, when neither empty promises, nor

secret measures, would suffice; but a strong, marked, and decisive line of conduct had become necessary;—when, in short, the King was called upon to redeem the pledge which his ministers had given.

It was not to be supposed that Great Britain, who had so long been united, in views and interests, with the Dutch republic, and who, notwithstanding the late separation, produced by the intrigues of France, had the strongest motives for promoting a renewal of their ancient union, could view, with indifference, the internal divisions of Holland. Sir James Harris, the British ambassador at the Hague, had repeatedly, during the summer of 1787, intimated the wishes of his sovereign, for the restoration of harmony; and, when the States of Zealand and Friesland had intimated their wishes, to ask the mediation of some neighbouring powers, he was ordered to make a tender of the good offices of the British monarch, in a mediatorial capacity. The French Cabinet, fearful of losing their influence, and having all their designs frustrated, resolved, at last, to carry them into effect; and they, accordingly, caused their sovereign to make a formal notification to the English court, on the 16th of September, (three days after the entrance of the duke of Brunswick into the

Dutch territory) of his determination to afford to the States of Holland the assistance which they had required. The English minister was at no loss for an answer, and France was accordingly informed, without hesitation or delay, that, in the event of her hostile interposition, Great Britain would take an active part in the contest; and immediate directions were issued for increasing our naval and military force. Indeed, Mr. Pitt had long resolved to support the lawful authority of the Stadtholder, as intimately connected with the interests of this country;—and a perfectly good understanding had prevailed between the two courts of St. James's and of Berlin, on the subject. This decision produced the desired effect;—France, probably from a consciousness of her inability, under existing circumstances, to engage in a new war, forbore to execute her threats, although a fleet was prepared, and an army placed in readiness, for that purpose;—and the French ministers again exposed the weakness of their sovereign's authority, and exhibited another instance of their own gross incapacity, in making him give a pledge which he could not redeem. That able statesman, M. de Vergennes, it should be observed, had died early in the present year, (on the 13th of February) and though he had left his princi-

ples, he had not left his abilities, to his successor, M. de Montnorris.

The Prussians, as has been seen, soon overran Holland, and put an end both to the civil war, and to the hopes of France. Indeed, the pretext itself for the interference of France was now removed, by the conduct of the States of Holland, who retracted their application for succour, and declared there was no farther occasion for her interference. It was, with unfeigned pleasure, therefore, that the French Cabinet received a declaration (on the 27th of October) from the British ministers at Paris, in which they observed, that the events which had taken place in the republic of the United Provinces, appearing no longer to leave any subject of discussion, and still less of contest, between the two courts, they were authorized to ask, whether it was the intention of his most Christian Majesty, to carry into effect the notification made on the 16th of September, by his most Christian Majesty's minister plenipotentiary, which, by announcing that succours would be given in Holland, had occasioned the naval armaments on the part of his Britannic Majesty. If the court of Versailles were disposed to explain itself upon this subject, and upon the conduct to be adopted towards the republic, in a manner conformable

to the desire which had been expressed on both sides to preserve a good understanding between the two courts; and it being also understood, that there was no view of hostility towards any quarter, in consequence of what had passed, they declared his Majesty, always anxious to concur in the friendly sentiments of the most Christian King, would agree with him, that the armaments, and, in general, all warlike preparations, should be discontinued on each side, and that the navies of the two nations should be again placed upon the footing of the peace establishment as it stood at the commencement of the present year.

In answer to this official notification, M. de Montmorin, again forgetful of what he owed both to his Sovereign and to himself, did not scruple to declare, that it was not, and *never had been*, the intention of his master to interfere by force in the affairs of the United Provinces; the communication made by Mr. Barthelemy having had no other object than to announce to the British court an intention, the motives of which no longer existed, espepecially since the King of Prussia had imparted his resolution;—he made no difficulty to declare, that his most Christian Majesty would not give any effect to his former declaration; and that he retained no hostile view towards

any quarter relative to the transactions in Holland. The French minister concluded with observing, that the King, being desirous to concur with the sentiments of his Britannic Majesty for the preservation of the good harmony between the two courts, agreed, with pleasure, that the armaments, and, in general, all warlike preparations, should be discontinued on either side; and that the navies of the two nations should be restored to the same footing on which they stood on the first of January, 1787.

Thus ended the present disputes in Holland, and the measures to which they gave birth; and most strange it appears, that, during the whole of these transactions, it should never once have occurred to the French ministers, that, while they were fostering the spirit of rebellion in other countries, they encouraged its growth in their own.—During this time, a war had broken out between the Turks, on the one hand, and Russia and Austria on the other; as also between Russia, on the one hand, and Sweden and Denmark on the other. Much blood had been shed on all sides, during the campaign, while victory had, successively, declared for each party. But the account of these military transactions not being immediately con-

nected with the affairs of Great Britain, comes not within the object of this work.

The state of Europe, however, was such as to induce the British Cabinet to call the Parliament together, at a very early period. They met on the 27th of November, when the King, in his speech from the throne, adverted to the circumstances which had occurred, since their late prorogation. Soon after that period, his Majesty observed, the situation of the United Provinces had become more critical and alarming, and the danger which threatened their constitution and independence seemed likely, in its consequence, to affect the security and interests of his own dominions.—No endeavours, he said, had been wanting on his part, to contribute, by his good offices, to the restoration of tranquillity, and the maintenance of the lawful government, and he also thought it necessary to explain his intention of counteracting all forcible interference on the part of France, in the internal affairs of the republic. Under these circumstances, the King of Prussia having taken measures to enforce his demand of satisfaction, for the insult offered to the Princess of Orange, the party which had usurped the government of Holland, applied to the most Christian King for assistance, who notified to his Majesty his intention

of granting their request.—In conformity with the principle before explained, his Majesty did not hesitate, on receiving this notification, to declare, that he could not remain a quiet spectator of the armed interference of France, and he had given immediate orders for augmenting both his sea and land forces. In the course of these transactions, his Majesty informed his Parliament, he had also thought proper to conclude a treaty with the landgrave of Hesse Cassel, for the purpose of receiving the assistance of a considerable body of troops, in case his service should require it. His Majesty then adverted to the rapid success of the Prussian troops, under the conduct of the Duke of Brunswick, which had been the means of obtaining the reparation demanded by the King of Prussia, and had enabled the provinces to deliver themselves from the oppression under which they laboured, and to re-establish their lawful government;—and observed, that these happy events had removed all cause of hostility, and had led to an amicable arrangement between himself and the King of France. He expressed his satisfaction, that these important events had taken place, without disturbing his subjects in the enjoyment of the blessings of peace; and he had great pleasure in acquainting them, that he continued to receive,

from all foreign powers, the fullest assurances of their pacific and friendly disposition towards Great Britain. He recommended the situation of his foreign possessions to the particular attention of Parliament, with a view to putting them in a proper state of defence; and he concluded with congratulating them on the unanimity which had prevailed, among all classes of his subjects, on the late occasion.

In fact, the nation at large, without distinction of parties, had entered fully into the motives which had influenced the minister's conduct, in relation to the affairs of Holland, and had given them their most decided approbation.—Such a manifestation of genuine patriotism was highly honourable to the country, and could not have failed to invigorate her efforts, had they been called into action. Nor were these sentiments, in any degree, belied in the debate which followed the motion for an address to the throne. On the contrary, the opinions of those members who spoke on the subject, were in perfect unison with the best interests of the country. Lord Fielding, after expressing the most decided approbation of the conduct of ministers, on the late occasion, as far as it went, suggested a doubt, which had arisen in his own mind, whether or not they had fully availed themselves of the favourable

opportunity which had presented itself, and whether they might not, and ought not, to have gone further, and done more for the security of this country against the ambition of France. The object, his lordship said, which he had particularly in view, was the demolition of the stupendous works that were projected and carried on at Cherburgh. He expatiated on the vast importance of these works, not only in rendering our rival more formidable in herself, but as being evidently raised from motives of hostility to this kingdom. He conceived, that as the manifest superiority of this country had put it within our power to enforce, so the great expense which we had been obliged to incur, would justify, the demand of some compensation from the French court. The object he alluded to had been shamefully overlooked, or corruptly relinquished, in the last treaty of peace; and he, therefore, entered his protest against any construction of his vote, that should pledge him to approve of the minister's conduct, if it should afterwards appear that he had again neglected this important object.

These observations could only arise from an ardent love of his country, and were therefore highly praise-worthy; though it certainly would have been an extraordinary demand, on

the part of this country, to call upon France to abolish a work which she had undertaken for the purpose of supplying a defect, under which she had long laboured, and the ill consequences of which she had most severely felt; namely, the want of a port in the channel for the reception of her ships of war. That she had as much right to make a harbour at Cherburgh as we to raise fortifications at Portsmouth, could not admit of a doubt; and it would have betrayed both ignorance and arrogance in a British minister, to insist on its demolition; to say nothing of the meanness of taking advantage of the distressed situation of France, to prefer demands to which we knew she could not consent, without descending from that rank, in the scale of nations, which she was entitled to hold.

Mr. Fox also expressed approbation of the measures which had been lately pursued, and took credit to himself for his declared opinion, that this country was, at all times, deeply interested in the situation of affairs upon the continent, and ought, whenever the occasion required, to take an active and vigorous part in preserving the balance of power in Europe. This system had been ridiculed by his adversaries, upon former occasions, as wild and romantic, and he had, therefore, a peculiar satisfac-

tion in finding it recognized in the speech from the throne, and pursued at a time when the heavy burdens, which had been laid upon the people, made it so extremely desirable to avoid every unnecessary occasion of expense. He thought it might possibly have been better, and that the whole of the expense might have been avoided, if these principles had been earlier adopted and acted upon. Mr. Fox then proceeded to observe on the assertion in the speech, that the French King had notified his intention of assisting the usurping faction in the province of Holland; which was flatly contradicted in the counter-declaration of his most Christian Majesty, who positively denied that he ever had such intention. This matter, he conceived, required explanation; not that he had any doubt of the real designs of the French, or that he should have trusted to their declarations, had they been positively made; but on account of the contradiction implied in the two assertions. He then reminded the House how frequently he had warned them of the perfidy and treachery of France, when the commercial treaty was under discussion in the last session, and that one of the principal arguments, in support of that treaty, was drawn from the friendly disposition of that nation, and the probability of its being confirmed and

perpetuated by a free commercial intercourse. Within one year, from the conclusion of this treaty, said Mr. Fox, our new friend, our faithful commercial ally, had engaged to support a party, usurpers too of the lawful government of their country, who were well known to be hostile to the essential interests of this nation.

Mr. Fox made some brief remarks on the subsidiary treaty, concluded with the landgrave of Hesse Cassel, and on the principle of such treaties in general, which he approved, and on the intimation of a design to increase the permanent land force of the country. He was answered by Mr. Pitt, who expressed his hearty concurrence with Mr. Fox, in his sentiments respecting continental alliances, but could not entirely agree with the doctrine which he had laid down on the subject of subsidiary treaties;—that they were only to be justified upon a supposition of their enabling this country to reduce her own military establishment, or to increase her naval force. He shewed, that the latter measure might, under many circumstances, be neither safe nor expedient; and yet, at the same time, it might be highly advantageous to have recourse to the former. The treaty with the landgrave of Hesse Cassel, he said, had been entered into merely as the spur

of the occasion, but it had since been enlarged, and put upon such a footing as would make it useful upon any further emergency.

Upon the proposed increase of the military establishment, Mr. Pitt observed, that he should always be averse from the practice of considering how far measures, proposed to be adopted, might have a tendency to justify or condemn such as had already been pursued. Such a practice would set up a dangerous influence over ministers, and might be a temptation to them to persevere in errors of their own, lest they should appear to acknowledge them; and to abandon the most prudent institutions, lest they should bear testimony to them. He, therefore, did not conceive it necessary to inquire, whether the present establishment had been too small originally, or whether it had become so from a change of circumstances; all that would be necessary for the consideration of the House was, what degree of force was actually necessary for the defence of the country. Measures of this nature were unavoidably adopted by Parliament, in a great measure, the upon credit of the executive government. They were, therefore, to be considered as the measures of ministers; and whether he had himself made the original arrangement, or had found it, as in the present case, made to his hands by a preceding

administration, he should never, to avoid the acknowledgment or detection of an error, incur the guilt and danger of continuing it, after he had found it to be so. He did not hesitate to acknowledge, that the late important crisis had led him to look more carefully and minutely into the state of our several establishments than he before had occasion to do; the consequence of which was, a firm persuasion that, in the present situation of the country, they were not adequate to their object, that is, to the keeping our possessions in such a state of security as to leave no reasonable room for anxiety on their account, without appropriating to their defence that force, which, in case hostilities should, at any future period, become unavoidable, the immediate object of the war might demand.

No opposition whatever was made to the address, and the same honourable unanimity appeared in the House of Lords, where the Bishop of Llandaff justified the interference of our government in the affairs of Holland, on the ground of self-preservation; for, said the prelate, if France had gained Holland, we had been undone. When it is said, added he, that Holland, and the other states of Europe, are independent states, the proposition is only true on a certain consideration; for they all depend

one upon another; like the links of a chain; and it is the business of each to watch every other, lest any one become so weighty and powerful as to endanger the security, or political importance, of every other. Lord Stormont censured ministers for their implicit confidence in the friendly disposition of France, and for the tardiness of their interference to prevent a revolution in Holland.

The various declarations which had passed, during this transaction, with the account of the expenses which it occasioned, making a total of £336,751, and also the copy of a convention, explanatory of the commercial treaty with France, which had been concluded at Versailles, on the 15th of January, 1787, having been laid before Parliament, a conversation arose between Mr. Fox and Mr. Pitt, relative to the notification of the French minister, respecting his master's intention to send succours to the States of Holland, and the subsequent denial, in the counter-declaration of the court of Versailles, of all intention of hostile or forcible interference. Mr. Pitt observed, that the contradiction which appeared between these two papers, would admit of this explanation. In the notification, the King of France had not expressly declared, that he would interfere in the internal concerns of the

United Provinces by force; but that the States of Holland, having, on the approach of the Prussian army, applied to him for assistance against that armament, he had determined to afford them assistance; a measure which, though not implying, in terms, a direct intention of using force, appeared to his Majesty's servants sufficient to justify the preparations which had been made. But this was a mere French subterfuge, for if a determination to assist, with troops, a portion of the people of a country, who are in open revolt against the lawful authorities of the state, be not a direct hostile and forcible interference in their internal concerns, it would be difficult to decide what conduct would constitute that species of interference.

The subsidiary treaty with Hesse Cassel, and the proposed augmentation of the army, to amount only to 3,064 men, gave rise to some discussion. Both measures were resisted by the leaders of opposition, who contended, in particular, that the latter was not necessary, as the establishment fixed at the last peace was fully adequate to all purposes of national defence. Mr. Fox spoke, with great energy, against the treaty with Hesse Cassel, on the supposition that it would lead to the introduction of foreign troops into the country;—and he thought it rather extraordinary, that the

son of Lord Chatham, who had been a strenuous advocate for the militia, and for a reduced land, but a strong naval, force, should countenance the introduction of mercenary troops in preference to calling out the militia, and consent to a stipulation with France for the reduction of our navy, and then come forward with a proposition for the increase of our army.

Mr. Pitt defended the conduct of the government on the present occasion. With respect to the unlimited confidence which the House had been so zealously cautioned against reposing in ministers, he acknowledged, that the occasions for such confidence were always to be lamented, as well by those who were to grant it, as by those who, in consequence of the grant, were obliged to take upon them a deep and extensive responsibility. That such occasions, however, might occur, he presumed would not be denied; and he contended that the present was of that nature, since it was obvious that it would be highly improper for him to enter into any detail respecting the defence of our distant possessions, or to proclaim in what particulars the islands were thought vulnerable, unless strengthened by an additional force.

The objections which had been made to the opinions of officers commanding in the West India islands, had, Mr. Pitt said, proceeded upon a false supposition. Their opinion had never been asked upon the whole force necessary for the defence of all our foreign possessions, nor was it ever intended to calculate the whole with precision, by the mere addition of what was required for each part separately; but government, after having ascertained, through the knowledge and experience of those who had been on the spot, what force would be adequate to the defence of each particular island, would certainly form a general plan for a protection of the whole, with a due regard to the relative circumstances of each, and to a variety of other considerations, which it would be necessary to take into the account. And, surely, it was ridiculous to suppose, that government should be able to form a comprehensive permanent establishment for this purpose, by mere instinct, and without any previous consultation with such persons as were most able to furnish them with the information which was necessary in the detail.

The arguments derived from the late events on the continent were, he contended, inapplicable to the matter in question; since, whatever conclusion was drawn from them, the necessity

of having our distant possessions, at all times in a posture of defence, and secure against surprize, would remain the same. It had, indeed, been insinuated, that he had shewn a predilection for defending them by land, rather than by a naval force. This was an argument adapted to the prejudices, and, he was ready to admit, to the *laudable* prejudices of that House, but he was convinced that, upon examination, it would appear merely calculated to serve a popular turn. He should take it for granted, that the West India islands were objects of such importance to this country, as to make their security a matter of primary consideration. There were but three ways in which this could be effected; either by keeping a large stationary fleet in the West Indies;—by sending out succours on the prospect of any rupture, or by keeping a military force upon the islands, equal to their defence, against sudden surprise. Experience had proved, that a naval force alone could not protect them, since, with a large fleet in the West Indies last war, sometimes superior to that of the enemy, the French had wrested several of the islands from us. With regard to the second expedient, to say nothing of an attack without a previous declaration of war, it might happen to be inconvenient or unsafe to detach any part of

our force from Europe; and if it were not, our succours, from a variety of causes, might not arrive in time to prevent the mischief. The last, therefore, appeared clearly to him the most eligible mode of accomplishing this object, and the more so, when it was considered that, from the dispersion and distance of the islands, and the peculiarities of that climate, with respect to winds and currents, it would sometimes be absolutely impossible for a fleet to afford that speedy relief which the occasion might require, unless there was a sufficient military force upon the island to secure it from surprize.

Upon the subject of economy, he observed, that his opinions were well known upon that article, and that, from the situation which he held in his majesty's service, no one could be more anxiously interested in it than himself. But, he maintained, that every moderate expense, by which the continuance of peace could be more firmly insured, was true economy, and the best economy which this country could pursue. It was upon this principle, and after a due consideration of the present state of our finances, that it appeared to him well worth our while to lay out £80,000 annually, the sum which the proposed augmentation would cost, for the purpose of keeping our distant possessions in such a constant posture of

defence, as might deter any hostile power from attempting to wrest them by surprize from us; to act otherwise, to tempt an attack by leaving them exposed and defenceless, would be to be sparing of our wealth, and lavish of the prosperity of the British empire. In answer to some questions which had been put on the subject, Mr. Pitt observed, that it formed part of the plan of defence, for our West India colonies, to erect additional fortifications on the islands, but upon a moderate scale; a measure which had the opinions of a board of English general officers, and the example of the most eminent French engineers, for its sanction. The expense of these would not exceed £200,000, and as it would require many years to complete the addition to our annual incumbrances, would be so slight as to be scarcely felt. A division ensued, but the motion for granting the necessary sums, for the proposed augmentation, was carried by a majority of three to one.

[1788.] A promotion of flag officers having taken place in the navy, in which, as is very frequently the case, several captains had been passed over, and junior officers preferred to them, an attempt was made to induce the House of Commons to take cognizance of it. This interference, however, with the immediate prerogative and duty of the executive power,

was strongly resisted by the minister; but, the subject being of a nature to interest the passions of individuals, most forcibly, the measure was rejected only by a small majority. This induced the persons who had brought forward the motion, to hope for success by a repetition of it, but, on a second division, the majority was greatly increased. Indeed, it is perfectly evident, that a discretionary power must, in such cases, be left to the crown, or to its delegates, the board of admiralty; and that, without some specific charge of unfair or corrupt motives for the exclusion of individual officers, the interference of the House of Commons, in naval or military promotions, is, to say the least, extremely improper, and pregnant with very dangerous consequences.

Another subject of discussion arose, about the same time, which occasioned many long and warm debates in Parliament. While there was reason to dread a rupture with the court of Versailles, respecting the affairs of Holland, government had determined to send out a few additional regiments for the more effectual security of our settlements in the East Indies. The directors of the East India Company perfectly approved of this measure, but the storm having blown over, before it was carried into effect, they changed their minds, and refused

to pay the expense of sending them out, and to provide for their future maintenance. It was stipulated, by the act of 1781, that the company should only be obliged to pay for such troops as should be sent to India upon their requisition;—and, in support of their refusal to pay for the troops in question, they pleaded that they had not required them to be sent. The board of control, however, established by the act of 1784, contended, that they were invested with a power of ordering such expense to be defrayed out of the revenues accruing from the territorial possessions of the company, in case the company should refuse to pay it. Several barristers, whom the company had consulted upon the question, had declared their opinion, that the act of 1784, granted no such power to the board of control; and the directors had, in consequence of such opinion, refused to take the troops on board the ships which were then about to sail for India.

Here was an *Imperium in Imperio* indeed, and if any thing were wanting to demonstrate the necessity of some radical alteration in the government of India, this occurrence would have supplied it. The King's ministers, who must be supposed to be best acquainted with the disposition and designs of the different powers of Europe, and, consequently, best able

to judge of the means requisite for the defence of all the foreign possessions of the realm, are immediately thwarted in their operations by a company of merchants, who, without the requisite sources of information, and, consequently, without the ability to form an adequate opinion on the subject, prevent, by their own authority, these means from being carried into execution. Mr. Pitt had, himself, no doubt, that the authority, vested in the board of control, went to the alleged extent; but, in order to remove the doubts which appeared to exist in the minds of others, he resolved to bring in a bill, declaring, that the intention of the legislature, in passing the bill of 1784, was to give the power claimed by the board of control. He observed that, though the names of several respectable barristers were subscribed to the opinion which had been given to the court of directors, yet he was at a loss to imagine on what principle these doubts were entertained, since, in his mind, nothing could be more clear than that there was no step that could have been taken, previous to the act of 1784, by the court of directors, touching the military and political concerns of India, and also the collection, management, and application of the revenues of the territorial possessions, which the commissioners of the board of control, as it was com-

monly called, had not now a right to take, by the powers and authorities vested in them by that act.

The same construction was put on the act of 1784, by Mr. Dundas, who was the chairman of the board of control, and who contended, that if it should appear to the board necessary, for the security of our possessions in India, to apply the whole of the revenues in India to that purpose, without leaving the com pany a single rupee for their investments, they had a power so to apply them. As doubts, however, had been entertained on the existence of such power, he concurred in the propriety of passing a declaratory act. The motion, however, experienced a very strong opposition; it was first contended, that the opinion of counsel was not a sufficient ground for a declaratory act;—secondly, that the precedent was dangerous, since it might afford to ministers the means of acquiring new, under the pretext of declaring the existence of old, powers; and it was urged, that the India company had been induced to consent to the act of 1784 upon pretences which now proved to be delusive, and that the minister, having obtained that consent, was resolved to put his own construction upon it, contrary to the original intention of the party concerned. In answer to

this last argument, Mr. Pitt positively denied, that the consent of the company had ever been formally given. They had, indeed, agreed to the general principles upon which the bill was to be formed, but it was well known that they ultimately disapproved of it.

In the progress of this bill through the House, counsel were heard at the bar, on the part of the East India company, against it.—In the discussions which ensued, the arguments against it were pressed with great ingenuity and force;—but a new ground was taken up by opposition, which was most untenable and indefensible; indeed, the two principal grounds were contradictory to each other. It was first maintained, that the construction now put upon the act was not the true construction, and then, allowing it to admit of that construction, it was asserted, that the powers vested in the board of control were injurious to the rights and interests of the company, and of a dangerous political nature, and, therefore, ought not to be confirmed. And this last position was strongly upholden by the very supporters of Mr. Fox's memorable bill;—who, in order to preserve even a shew of consistency, on the present occasion, ought to have brought in a bill to repeal an act fraught with such injurious and oppressive provisions; and not to have condemned its princi-

ples and provisions, without seeking to remove the evil by the application of a direct and positive remedy.

Another ground of opposition was also taken by some members, who were generally friendly to the measures of administration. It was contended by them, that the language of the minister, when he produced the bill of 1784, coincided most expressly with the construction now put upon it by the opponents of the present motion; and Mr. Pulteney declared, that they supported him at the time from a persuation that such were the intention and the meaning of the act, and that, otherwise, nothing should have induced them to vote for it; that the construction attempted to be put upon it by the declaratory bill, made it equally obnoxious with the celebrated bill rejected by the House of Lords in 1783, with only this difference,[1] that what the one had for its professed object openly, and without disguise, the other attempted to effect by fraud and dissimulation. Mr. Powis expressed his concurrence with these sentiments, and Mr. Baring, one of the directors of the India Company, declared, that it was generally understood at the time, by that board, to be utterly incapable of the unlimited construction now put upon it, and colonel Barre declared,

that, having asked one of the directors, why they had suffered the bill to pass unresisted, and with the sanction of their concurrence, the director had admitted with him, that the bill darkly and tacitly conveyed powers to the board of control, as hostile to the rights of the company as Mr. Fox's bill, but that they had a confidence in the administration which introduced it, and had no doubt of their exercising those powers with gentleness and moderation.

As to the construction which the country gentlemen put upon the act at the time, or as to the motives which influenced their consent to it, these did not affect the real merits of the question, nor could, for a moment, be put in competition with the declarations of those by whom the act was framed, and who must know what were its purpose and its objects. As to the communication of colonel Barre, it absolutely falsified the assertion of those who maintained that the directors had put a different construction upon the act, by proving that it conferred the very powers which the supporters of the declaratory bill insisted that it did confer.

Mr. Fox triumphed in the communication of colonel Barre, because he considered it as affording a complete sanction to his own bill;

upon which he contended, Mr. Pitt had pronounced a perfect eulogy, by defending every principle which it contained. "It will now," says he, "no longer be clamoured through the country, that I am the violator of chartered rights, or the usurper of the power of the India company." This was bad logic, for, even admitting his premises, his conclusions were most erroneous; for certainly it did not follow that, because Mr. Pitt's bill had violated the chartered rights of the company, and usurped their powers, his own bill had not done the same; indeed, he tacitly admitted that it had, and so falsified his own declaration.

In opposition to these arguments, it was insisted, that the express object of the act was to take the entire management of the territorial possessions, and the political government of India, out of the hands of the company, leaving them only the direction of their commercial concerns. The board of control was, in future, to be responsible to the public for the prosperity, defence, and security of our Indian possessions, and was, therefore, to be invested with all the power and authority necessary for the due discharge of the important duties imposed upon it. These powers were given in general terms, and the mode of exercising them, in particular cases, was specified; in some they had a nega-

tive upon the orders of the directors; in others, where a difference of opinion arose, it was enacted, that the board might enforce the execution of their own; and could any man be absurd enough to imagine, that, if the directors were at any time to fold their arms across, and remain in a state of inactivity, the board were not authorized and bound to issue such orders as the exigence of the case might require? In the present instance, could it be supposed, that Parliament intended to leave to the company, who, it might be expected, from the short duration of their charter, would attend chiefly to their own pecuniary interests, the entire disposition of their revenues, without enabling the board of control, who were responsible for the defence and permanent security of the whole, to appropriate such part of them as should be thought necessary for those purposes?

Mr. Pitt, adverting to the reference made to his own language in 1784, denied, in the most positive manner, that he had ever given, by any declarations of his, reason to suppose, that the act was intended to bear any other construction than that for which he now contended. He particularly remembered an expression, which, though ridiculed at the time, would clearly explain the ideas which he had formed

on the subject, when he termed the board of commissioners, as constituted in the bill, a board of *active control.* With respect to what might have been the intentions of other gentlemen in supporting that measure, or the expectations of the court of directors, he did not apprehend that the merits of the present question were at all concerned in them.

Mr. Dundas denied the admission of the board of control, that the act did not confer on them the power which they now claimed; and it was maintained, that they had even actually exercised it to the extent now contended for.—That, particularly in the year 1785, when it was notorious that the company's treasury in India was not only inadequate to the payment of the current demands, but scarcely contained a sufficient sum to pay the arrears of the army, the commissioners immediately sent an order for the payment of the troops, in the first instance, and to postpone all other demands. It was well known that the army was, at that time, ripe for mutiny; and that, in all probability, such a calamity would have occurred, had not the board of control taken this step; a step which they could not have taken, had they not been vested with a power to apply the territorial revenues as they thought proper. In fact, such a power was indispensably necessary

to be given to those who were to be responsible for the safety of India, and without it the board would haye been a nugatory and inefficient body.

Some observations having been made, in the course of this debate, on the additional expense imposed on the company, by sending out European troops, instead of increasing the native army, Mr. Pitt avowed his opinion of the expediency of incorporating them into one; but that, he said, ought undoubtedly to be the King's army; and he did not scruple to declare, that it was not without a distant view to that measure, that government were desirous of increasing the permanent establishment of the King's forces in India. As to the additional patronage which would thereby accrue to the Crown, he protested, in the most solemn manner, that his conduct was in no degree influenced by that consideration; and said that, in order to lessen the hardships of half-pay officers in the company's service, it was the intention of government to divide, equally, the new commissions with them; a proposition which he hoped would not be thought unreasonable, when it was considered, that there were upwards of 2000 officers on half-pay in the King's service, many of whom had even a claim upon the East-India Company, from their services in that country in the last war.

Adverting to the great constitutional question of standing armies, Mr. Pitt remarked, that there were great inaccuracies in all the existing laws relative to that subject. The bill of rights was not very explicit; it scarcely stated the illegality of a standing army within the kingdom, but was totally silent with respect to the army out of the kingdom. The mutiny act was drawn up still more loosely; and he hoped that one good effect attending the present discussion, would be a revision and emendation of the law upon points so deeply affecting the constitution; and he promised his assistance and support in so necessary an undertaking.—In a word, he expressed his most earnest wishes that every guard and check which could be devised should be adopted. If any danger were to be apprehended from the bill before the House, relative either to the augmentation of the army, or the patronage of India in general, he was ready to receive any clauses that might be offered, from whatever part of the House they might come, from whatever individual, or accompanied by whatever language they might be, for guarding against it in the most effectual manner.

Notwithstanding these explicit declarations, this manly disavowal of all sinister motives, with respect to influence and patronage, the bill continued to experience, in its various

stages, the most marked opposition. Mr. Pitt, to evince the sincerity of his professions, moved for its re-commitment with a view to introduce four clauses, calculated to remove the apprehensions which had been expressed from its operation. The first of these clauses went to limit the number of forces, for the payment of which the commissioners of the board of control were empowered to issue their orders to 8,045 men of his Majesty's troops, and 12,000 of the European forces in the service of the company. The object of the second was to prevent the board from increasing the established salary of any office in the service of the company unless such increase should be proposed by the directors, and laid before both Houses of Parliament. The third was to prevent the commissioners from ordering the payment of any extraordinary allowance to any person, on account of services performed in India, with the exceptions contained in the preceding clause. The purport of the fourth was to oblige the directors to lay annually before parliament, an account of the produce of all their revenues, and of their disbursements. These clauses were received without opposition, or even remark; and the bill finally passed on the 14th of March.—It was opposed in the House of Lords, on the same grounds on which it had

been resisted in the Commons; but it was, nevertheless, carried, through all its stages, by a considerable majority.

Between this period and the introduction of the budget, on the 5th of May, nothing worthy of historical notice occurred. A bill was brought into the House for preventing the exportation of wool, on which a difference of opinion prevailed, and a debate, consequently, took place in the Commons, which was terminated by a short observation from Mr. Pitt, who, having noticed a few of the arguments advanced in the course of it, declared, that as it was admitted, on one hand, by the opposers of the bill, that the wool-growers had but little advantage to expect from its rejection; and it was contended, on the other, by the friends of the bill, that the manufacturers had much to fear; he thought it more wise, in such a case, to go with the fears that were real, than with the hopes which were avowedly small, and therefore it appeared to him to be right to suffer the bill to be committed.—This opinion prevailed, and the bill was finally passed.

In opening the budget, Mr. Pitt stated the aggregate of the supply voted for the service of the current year to amount to *£5,779,365*, but in this account was included an extraordinary increase, beyond the necessary peace establish-

ment, namely, for the navy, £446,000; for the army, £233,000; and for the ordnance, £61,000. These increased demands arose from the necessity of putting our distant possessions into a state of more complete defence, and to these were to be added several other sums, which could form no part of our settled expense,—such as those for the relief of the American loyalists, the expense of the late armament, and the money voted for the payment of the debts of the Prince of Wales. These sums, added together, amounted to £1,282,000. It had been deemed prudent to put every part of the British dominions in such a state of defence as was most likely to ensure a continuance of peace; and, although this had been attended with an expense of £1,200,000, the receipts of the country had proved fully adequate to the support of this additional burden, and that without any encroachment on the wise system adopted by the House, for the diminution of the national debt.

In enumerating the ways and means which had been voted for defraying these expenses, it appeared that there remained a clear surplus of £27,000. The extraordinary expense was likely to continue two years longer; of course the regular peace-establishment could not take place till the expiration of that period. Mr.

Pitt thought he might state the further extraordinary, for excess in the various departments of the navy, the army, and the ordnance, and, indeed, for every other article, *except one, of a very material nature*, at a million, or a million and a half, and for this there were ample resources in the existing revenue.

The single exception to which Mr. Pitt adverted, was the money to be voted by way of indemnification to the American loyalists, for the losses which they had sustained from the steadiness of their attachment to their lawful sovereign. The commissioners, appointed to ascertain the fairness and extent of these claims, had made it appear, that compensation for the property lost, already ascertained, amounted to £1,860,000; and there might yet be 2 or £300,000 to be ascertained.—Besides this loss of actual property, there were also claims for loss of office, entitled to the fair and full consideration of the House. But, stating the whole at £2,000,000 or £2,100,000, it would appear that £500,000 had been paid them, and there was still 15 or £16,000,000 to be paid. The loyalists declared, that they should be well pleased to have this sum paid them by instalments, and that the payment should commence next year. And he meant to propose, that the profits of a lottery, to be established annually, until their

claims were fully liquidated, should be applied to their relief. A lottery, for seven or eight years, would answer this exigency, provided that the bargains each year should be as profitable as it had been for the last, and for the present, year. He had made the bargain, on a competition among different bidders, and the profit would be about £260,000 a year,—such was the rage and madness for this species of gambling.

The probable state of our revenue, and the certain amount of our expense, were the next points for consideration, in order to establish the grounds of confidence in the actual situation of the country. The annual million, voted for the reduction of the national debt, was, of course, to be added to the permanent expense, which Mr. Pitt stated at £15,500,000. The produce of the last year's revenue, ending the 5th of April, 1788, was £15,792,000, which was more than necessary to provide for the peace-establishment: arguing, therefore, from the experience of the preceding year, Mr. Pitt inferred the fairest ground of confidence, not only for the possession of ample funds for the liquidation of every expense, but also for carrying on the great purpose of the late arrangement, the gradual extinction of the capital of our debt. But it might possibly be contended,

that to argue from the evidence of a single year, was not a fair mode of stating our situation, and could not afford a rational ground of confidence.—Mr. Pitt, however, reminded the House, that the last year had been attended with many unpropitious circumstances, particularly with an interruption of our commerce, always occasioned by an alarm of war;—but even in looking back to the average of the last three years, the calculation was strongly confirmed, though, certainly, the surplus was not so favourable. Various branches of revenue were in a progressive state of improvement, and many more were susceptible of improvement. The farming of the post-horse duty had brought an accession of £30,000 to the funds. Another, and probably very considerable, accession, would arise from some regulations which he had it in his view to propose, for preventing the frauds committed on the revenue in duties on tobacco.

The progressive improvement of a country in peace, and particularly of such a country as England, was not a subject of mere speculation. Some estimate of the extent of such improvement might be formed from the experience of four years—In the year 1783, the amount of the permanent taxes, exclusive of the land and malt tax, had been £10,184,000; whereas the permanent taxes of 1787 had produced £13,000,000, of which not more

than one million and a half had accrued from new taxes. In the trade, navigation, and fisheries, the progressive improvement bore an exact proportion to the increased revenue. —In the year 1772, our imports were £14,500,000, and our exports £16,000,000. In 1787, the former were £15,800,000; and the latter, £16,600,000. It might, Mr. Pitt observed, be objected, that, in this comparative statement, the balance was against us in the latter year; but the increase of the imports arose from the increase of the home consumption of luxuries;—it proceeded from the beneficial import of raw materials used in our manufactures, and it might be considered as a very pleasing circumstance attending the increased imports, that they chiefly came from a part of our own empire—Ireland. In like manner our navigation had increased: the Newfoundland fishery, in 1773, produced 516,000 quintals, and in 1787, 732,000 quintals: in the former year, the Greenland fishery produced 27,000, and in the latter, 53,000. The southern whale fishery, a new and very valuable branch of trade, had been equally prosperous: in 1785, it employed eighteen ships which produced £29,000, and in 1787, thirty-eight ships, yielding £107,000. Mr. Pitt concluded his statement with observing, that he mentioned

these circumstances to prove, that our improved condition proceeded from no forced revenues, but was the fair and actual result of increased commerce. A surplus had been thus ascertained, after appropriating a million to the payment of our debt. We had given great additional strength to our foreign possessions, and, in doing this, we had not overlooked that which was the favourite service at home. No less than seven millions had, in the course of four years, been expended in the improvement of our navy; and, Mr. Pitt affirmed, that it had been applied with as much fidelity, as it had been voted with judgment.—There were thirty ships of the line, and thirty-five frigates, built or repaired, more than there had been in the first four years after the peace of 1763. In addition to this, we had absolutely, and for ever, extinguished two millions and a half of debt.

An attempt was made to controvert this statement, by Mr. Sheridan, who contended that the revenue, taken upon the average of the two preceding years, instead of leaving a surplus, would be found not equal to the expenditure, and Mr. Fox condemned the mode of making an estimate, by the produce of a single year, as unfair in itself, and as contradictory to the principle of calculation advanced by Mr.

Pitt himself in the preceding year.—The usual resolutions, however, were carried without a division.

The day after Mr. Pitt opened the budget, Mr. Grenville introduced a bill, of which he had given previous notice, the objects of which, and the means which he proposed for obtaining them, he briefly explained. He observed, that when the existing act, for the better regulation of the trials of controverted elections, (which had been brought into parliament by his father) had passed, the House well knew that its great aim was to take those trials out of the hands of the House, and to place them in those of a committee, so constituted as to be most likely to do strict and impartial justice to the parties; that had been fully answered: but the operation of the act had been attended with certain well-known inconveniences, to guard against which sufficient care had not been taken when he bill was under discussion, so much had the attention of the author been engrossed by his anxiety to achieve his main purpose. Mr. Grenville said, he had revolved in his mind the most practicable means of removing these inconveniences, and two modes had suggested themselves; but then, as these could not be effected without a very material alteration of the most essential forms prescribed by the act,

he thought the House would concur with him in opinion, that it would not be prudent to attempt to meddle with the frame of a law, from the execution of which so many and such advantageous consequences had accrued. Upon mature reflection, therefore, he had determined to let the forms of the act remain undisturbed; but there were other inconveniences, which might be removed without any injury to the act. Even since the law was made, an infinite number of petitions, complaining of undue elections, had been presented in the first session of every Parliament. Many of such petitions, after having consumed a great deal of time, had proved frivolous. He therefore proposed that the committee, in such cases, should be authorized to adjudge costs, and to enforce the payment of them, against the petitioners. This was merely an act of justice, and yet such regulation would save much expense to individuals, and much time and trouble to the House. Another inconvenience, which required a remedy, was the want of a rule to establish the rights of election, to ascertain them, and to render them *immutable* in future. At present, it was no uncommon thing to have two members sitting in that House as representatives of the same borough, on different rights of election. In

order to correct this evil, he proposed to annex certain provisions to his bill, which he flattered himself would answer the end proposed, and ascertain the rights of election for the future.—The bill was immediately brought in, and meeting with the unanimous concurrence of both Houses, it was speedily passed into a law.

The question of the Slave Trade had, about this time, been rendered an object of public attention, by a variety of pamphlets published on the subject, with a view to recommend its abolition; and petitions to the same effect had been presented to Parliament. Mr. Wilberforce had stood forward, as a volunteer, in the service of the Africans; and the discussions which had arisen had induced Mr. Pitt to recommend it to the notice of his Majesty's privy council, in order to examine the various facts and allegations contained in the representations, as well of the friends to the abolition of the trade, as of those who defended its expediency and justice. And, on the 9th of May, Mr. Pitt moved the following resolution in the House of Commons: "That this House will, early in the "next session of Parliament, proceed to take "into consideration the circumstances of the "slave trade, complained of in the petitions "presented to the House, and what may be "fit to be done thereupon." Before that time,

Mr. Pitt informed the House that the inquiry instituted before the privy council would be brought to such a state of maturity as to make it proper that the result of it should be communicated to the House, in order to facilitate their investigation, and to enable them to proceed to a decision, founded equally upon principles of humanity, justice, and sound policy.

The examination of the matter, by the privy council, was strongly reprobated by Mr. Burke and Mr. Fox, both of whom insisted, that the examination of the matter of petitions presented to the House of Commons, should rest solely with the House itself. In a conversation which ensued, sir William Dolben called upon the House to alleviate, by some salutary legislative regulations, the sufferings of the negroes, in their passage from Africa to the West-Indies;—and, the House having expressed their concurrence with his sentiments on the subject, he afterwards brought in a bill, to fix the number of slaves which each ship in the trade should contain, according to its tonnage, to secure to them an ample supply of provisions, during their passage, and to provide other means for the better preservation of their comfort and health.—This bill, with some amendments, passed into a law.

It was soon followed by a communication (on the 8th of June) from Mr. Pitt, relative to the American loyalists, to whose case he had called the attention of the House, when he opened the budget. He now declared his opinion, that they could not call upon the House to make compensation for their losses, as a matter of strict justice; but they, most undoubtedly, had strong claims on their generosity and compassion. In the mode, therefore, which he should propose for the final adjustment of their claims, and the various quotas of compensation to be made to the various classes of loyalists, he had adhered to this principle, rather than to any other strict claim of right.—Mr. Pitt then stated the different descriptions of loyalists who had preferred their claims before the commissioners appointed to receive and to examine them; and he divided them into four classes.—In the first class he ranked all those who had resided in America at the commencement of the war, and who, in consequence of their principles of loyalty and adherence to this country, were obliged to abandon their estates and their property in America, which were seized and confiscated by the rebels. The mode which he proposed to adopt with respect to this class of loyalists, whom he considered as having the *strongest*

claims of any description of loyalists,* would be to pay those, whose claims were so small that any deductions from them would materially affect their means of subsistence, the full amount of their claims; he proposed, therefore, that all such loyalists should receive the full amount of their losses, when those losses did not exceed the sum of ten thousand pounds, and should also receive, where the amount of their losses should exceed ten thousand pounds, and be not above thirty-five thousand pounds in the whole, ninety per cent. of such part as should exceed ten thousand pounds; and, where the losses should be between thirty-five thousand and fifty thousand pounds, eighty-five per cent. on all above ten thousand pounds; and, where the losses should be above fifty thousand pounds eighty per cent. above ten thousand

* Mr. Pitt was here wrong in his conclusion; for although those men who abandoned their property, and their home, from loyalty to their Sovereign, and from a *sense of their duty*, had very strong, and even irresistible, claims upon their country, yet they could not be said to have *stronger* claims than those loyalists, who, steady to their principles, remained at home, to oppose the rebels with their voice, their influence, and their arms;—consequently, they could not have "the *strongest* claims of any description of loyalists."—To put an analogous case, it may be asked, which, in the event of the restoration of the Bourbons to the throne of France, would have been most deserving of reward, the Marquis de Bouille, or M. de Charette?

pounds. He assigned, as a reason for proposing that the fifteen per cent. should be deducted from the excess only of the claims of the loyalists over and above the first ten thousand pounds, that, if such a rule were not laid down, and the fifteen per cent. were deducted from the first ten thousand pounds, it might happen that those claimants, whose claims amounted to a trifling sum above ten thousand pounds, would receive a less compensation than those whose claims, though they did not amount to quite ten thousand pounds, amounted to very near that sum.

The next class of claimants included those who, having resided in England during the war, had exhibited claims on the score of the loss of property in America. These certainly had not the same merit as the former class, because they could not pretend that they had been driven from America, but had made their option; and it was natural to suppose, that they chose that which, in point of advantage and satisfaction, was the best for themselves. At the same time, however, that this remark was necessary, he was far from thinking that, because they chose to remain in England, and protect their property here, they were not intitled to expect some compensation from that House for the loss of their property in America.

They undoubtedly were, and he should propose, in like manner, as he had proposed with respect to the former class, that all the claimants of this second description, whose claims did not amount to ten thousand pounds, should be paid in full; but that, from all those whose claims were between ten thousand and thirty thousand, a deduction should be made of twenty per cent. and a further additional deduction of twenty per cent. in progression, upon every additional fifty thousand claimed. Applying this scale to the case of Mr. Harford, (the son of Lord Baltimore) which was, as it stood liquidated by the commissioners, two hundred and ten thousand pounds, the sum to be paid to him, after the several deductions, would be found to be fifty thousand pounds, which, considering all the circumstances of the case, appeared to him a very handsome compensation for that House to make. But Mr. Harford, he understood, had two other claims upon America, for debts of ten thousand pounds each.—He meant, therefore, that he should receive the full amount of those sums.

The next class of claimants were those loyalists, who, having either enjoyed places, or exercised professions in America, had, by their being driven away in consequence of their loyalty to this country, lost their incomes. With regard to these, it was to be considered, that,

though they had been driven from America, they were able to obtain fresh incomes in this country, by the exercise of their talents and industry in different ways; he should not, therefore, propose to give them equal incomes to those of which they had been deprived, by way of pension, but he was of opinion, that they would be liberally treated, if all who had lost incomes of no more than four hundred a year were put on half-pay; and others, whose incomes in America had amounted higher, (and some, he said, amounted to fifteen hundred pounds a year, and one as high as three thousand) should require forty pounds upon every hundred of such income above four hundred pounds, where the value did not exceed fifteen-hundred, and where it did exceed that sum, then thirty pounds for every hundred above four hundred pounds.

Mr. Pitt further proposed to pay the whole of the claims of persons who had property in West Florida, which had been lost by the peace to which that house had acceded. Having explained these several points, and stated, that the total amount of claims was between two and three millions, exclusive of the sums which had been already paid, at different periods, he said he should move a general resolution for the amount of that sum to be issued in debentures, bearing three and a half per cent. interest.

which would, he thought, be nearly equal to a ready-money payment; and he had, before, suggested the expediency of paying the whole sum, by instalments, by means of a lottery. That, however, was matter for future consideration, and he, therefore, only moved at present, "that £1,228,239 should be voted to the several American claimants for losses, &c.; and £113,952. 14*s.* 0½*d.* to the Florida claimants." These propositions met with the universal approbation of the House; but, on the suggestion of Sir Matthew White Ridley, Mr. Fox, and Mr. Windham, the compensation to Mr. Harford was altered from fifty thousand to seventy thousand pounds.

While the House of Commons had been engaged in these wise, just, and politic measures of relief, in favour of a very deserving, but unfortunate, class of subjects, the trial of Mr. Hastings, whose impeachment had been voted in the preceding session, had been begun, in Westminster Hall. Early in December, the Lords had transmitted to the Commons the answer of Mr. Hastings, to the charges preferred against him; and, on the motion of Mr. Burke, they had been referred to a committee, of which it was proposed that Mr. Francis should be a member. On this proposition a division ensued, when twenty-three members only voted

for it, and ninety-seven against it. This rejection of Mr. Francis drew some strong expressions of regret and disappointment from Mr. Burke, who most earnestly conjured the House to re-consider their decision. On a subsequent day, Mr. Fox pressed this point with his usual animation, and exerted all the powers of his eloquence to induce them to appoint Mr. Francis a member of the committee. He was supported by Mr. Windham, and, from the great pains taken by all the leaders of the party, by all those who had been active in promoting the prosecution, to carry this question, it was evident that they considered the assistance of Mr. Francis as very material to the success of the cause in which they had embarked; though it was by no means clear to others, on what grounds their conclusion was formed. These gentlemen represented the conduct of the members who had opposed the prosecution itself, in resisting the appointment of Mr. Francis, as perfectly natural, but insinuated, that members who had encouraged and assisted the impeachment, must have some extraordinary motives for adopting a similar line of conduct. This insinuation called up Mr. Pitt, who, most truly, contended, that the present was not a question of argument, but a question of feeling. It was not necessary to scrutinize what were the feelings of

gentlemen on the other side; but, in return, they were entitled to the enjoyment of their own feelings undisturbed; and if gentlemen did feel that there was an impropriety in choosing a certain member to represent the House of Commons in the prosecution of their impeachment, was it, therefore, to be imputed to them, that they were slack in the prosecution, or that they were desirous to crush it? Might it not be fairly said, that, in their earnestness for the success of their impeachment, they chose to take from it every appearance of improper motives; and that, in order to prevent even a suspicion of the existence of any such motives, they had declined to appoint, as their representative, the only person in the House who had, upon a former occasion, been concerned in a personal contest with Mr. Hastings. The argument, that the prosecution would be injured by the absence of Mr. Francis, could not, for a moment, be justly entertained. To look at the abilities of the gentlemen who were to manage the prosecution, was sufficient to inspire the House with confidence; and besides, Mr. Francis was still at hand, and, in addition to all the materials with which he had already furnished them, could be consulted, or even examined at the bar. They had only lost his eloquence, of which, most certainly, they stood not in need.

Mr. Grenville supported Mr. Pitt, and was followed by Mr. Francis, who entered into a long vindication of his own conduct and motives, and into a history of his duel with Mr. Hastings, which he characterized as a personal quarrel on a public ground; disclaiming, at the same time, all private animosity against Mr. Hastings. This explanation, however, did not induce the House to alter their opinion, for Mr Francis was, a *third time*, rejected by one-hundred and twenty-two votes against sixty. It is, indeed, difficult to account for the imprudence displayed in pressing the House to adopt a measure which it had rejected twice before by considerable majorities.—The question, too, appears to be such as could give rise to no difference of opinion among men who, unswayed by partiality or prejudice, had no particular purpose to answer. Every honourable and feeling mind, unbiassed by private considerations, must revolt, with indignation, from the idea of placing a man in the situation of a juryman, or of a prosecutor, on the trial of another with whom he had had a personal dispute, of a nature so serious as to be settled only by an appeal to the *lex ultima regum*,— the sword. If such an objection were to be urged against a juryman, in any court of law, no attempt would be made to overrule it. It im-

plies, indeed, the grossest ignorance of human nature, to suppose that a man, however honourable his mind, and however upright his intentions, can so far master his feelings, as to view and to judge with the same impartiality, the conduct of a person whose life he has sought, on account of some real or supposed injury, done by him to his character, with which he can decide on the merits or demerits of another, with whom he has had no dispute or difference whatever. The distinction attempted to be drawn, in the present instance, between a quarrel on *public*, and a quarrel on *private*, grounds, was neither solid nor specious; because the *effects*, as far as they regarded the question under discussion, were precisely the same; and the sense which the majority of the House expressed on the business, was, assuredly, the sense of the nation at large.

The Lords sat in Westminster Hall thirty-five days, on the trial of Mr. Hastings, during which time much eloquence had been displayed, and many witnesses examined, but little progress was made in the charges, only two of which the managers had gone through, when the court adjourned, on the fifteenth of June, to the first Tuesday after the next meeting of Parliament. During the trial, a motion was made in the House of Commons, by Mr. Bur-

gess, which occasioned a good deal of discussion. Its object was to obtain an account of the expenses already incurred by the impeachment of Mr. Hastings. The account having been presented, was found to amount to £4,300, (previous to the 9th of May) but the particular items of expense not being specified, Mr. Burgess moved for such an account as should contain them. This motion being supported by Mr. Pitt, produced some strong manifestations of discontent from the managers, who insinuated, that his support proceeded from a secret desire to thwart the very measure which he had affected to promote. The motion was carried, and the account produced, but as, even now, it did not appear sufficiently specific, Mr. Burgess farther moved, that the solicitors should give in an account, stating, specifically, to whom, and on what account, the several sums expended had been paid. The managers resisted the motion on the ground of its tendency to produce a disclosure of circumstances which the House had judged it wise to confine to the knowledge of a secret committee. But Mr. Pitt declared, that he thought it right that the House should have the account moved for, because, if they should be of opinion that the services already ordered were unnecessary, they would have it in their power to direct that no more

such services should take place in future; and that power rested with the House wholly, and could not be exercised by the board of treasury. As to the charges already incurred, he was far from suggesting that any had been ordered which were unnecessary, or that any expense would be too great, which was really calculated to promote the object in view. On a division, this motion also was carried. Some farther discussion afterwards ensued on the subject, but it led to the adoption of no new measure.

A motion, too, was made by Sir Gilbert Elliot, for impeaching Sir Elijah Impey, on six different charges of cruel, oppressive, and illegal conduct, in his judicial capacity in India; but it was rejected, on a division, by a majority of eighteen.

Mr. Pitt, meanwhile, had not been inattentive to the affairs of the continent, nor had he neglected to improve the advantage which his country had obtained, by the fortunate termination of the disputes in Holland. He availed himself of this opportunity, without loss of time, to renew and to strengthen the friendly connection and intercourse, which had formerly subsisted between the two countries; and, for this purpose, a treaty of defensive alliance was concluded at the Hague, at the latter end of April. This treaty stated, that the mutual and sincere friend-

ship which had so long subsisted between the contracting parties, having been increased and strengthened by the interest which the King of Great Britain had lately manifested in the preservation of the independence of the republic, and of its legal constitution, they had resolved, in order to cement, in the most lasting and solid manner, the good harmony, confidence, and correspondence between them, to form permanent engagements, by a treaty of defensive alliance, for the good of both parties, and for the maintenance of the general tranquillity, as well as of their own in particular. The treaty contained a mutual guarantee of the integrity of the dominions of the contracting parties, and a promise of assistance, in land and sea forces, in case of attack; and the King farther guaranteed the existing form of government in Holland, and the constitutional character, rights, and offices of the Stadtholder. It was also agreed, that, in the event of the two countries being engaged in a war with a third, they should neither of them make a peace without the consent of the other.* In short, the treaty was, in all respects, calculated to destroy the French ascendancy in Holland, and to restore that influence which the British govern-

* See Appendix C.

ment formerly possessed in the councils of the Hague.

In pursuance of the same wise system, from which such happy results had already accrued, Mr. Pitt hastened to confirm our alliance with the Prussian monarch. Sir James Harris, (now Lord Malmesbury) who had negotiated the treaty with the Dutch, was also entrusted with this important mission, which he executed with his usual ability. A provisional treaty was first signed at Loo, on the 15th of June, and this was followed by a treaty of defensive alliance, concluded at Berlin, on the 13th of August. Here, too, as in the former treaty with the Dutch, the contracting parties guaranteed to each other their respective possessions, and engaged to supply succours in the event of an attack; and, in case of necessity, to assist the party attacked with their whole force. They also engaged to act, at all times, in concert, and with mutual confidence, for maintaining the security, independence, and government of the republic of the United Provinces, conformably to the engagements which they had, respectively, contracted with the said republic; and even to employ their whole forces for that purpose, should events render it necessary.*

* See Appendix D.

The minister having thus provided, as far as was practicable, for the preservation of that balance of power which is so essential to the protection of small states, surrounded by jealous and formidable neighbours, and having gone through the necessary business of the session, the Parliament was prorogued, on the eleventh of July, by a speech from the throne, in which his Majesty, adverting to the treaties recently concluded, observed, that his object in entering into them was to secure to his subjects a continuance of the blessings of peace; and expressed his hope, that they would be productive of the happiest consequences, in promoting the security and welfare of his own dominions, and in contributing to the general tranquillity of Europe.

APPENDIX B.

Treaty of Commerce and Navigation, between his Britannic Majesty and the Most Christian King, signed at Versailles, the 26th of September, 1786.

His Britannic Majesty, and his Most Christain Majesty, being equally animated with the desire not only of consolidating the good harmony which actually subsists between them, but also of extending the happy effects thereof to their respective subjects, have thought that the most efficacious means for attaining those objects, conformably to the 18th article of the treaty of peace, signed the 6th of September, 1783, would be to adopt a system of commerce on the basis of reciprocity and mutual convenience, which, by discontinuing the prohibitions and prohibitory duties which have existed for almost a century between the two nations, might procure the most solid advantages, on both sides, to the national productions and industry, and put an end to contraband trade, no less injurious to the public revenue, than to that lawful commerce which is alone entitled to protection; for this end, their said Majesties have named for their commissaries and plenipotentiaries, to wit, the King of Great Britain, William Eden, Esq. privy counsellor in Great Britain and Ireland, member of the British Parliament, and his envoy extraordinary and minister plenipotentiary to his Most Christian Majesty; and the Most Christian King, the Sieur Joseph Mathias Gerrard de Rayneval, Knt. counsellor of state, Knight of the royal order of Charles III. who, after having exchanged their

respective full powers, have agreed upon the following articles.

Art. I. It is agreed and concluded between the most serene and most potent King of Great Britain, and the most serene and most potent, the Most Christian King, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between the subjects of each party, in all, and every, the kingdoms, states, provinces, and territories, subject to their Majesties in Europe, for all and singular kinds of goods, in those places, upon the conditions, and in such a manner and form as is settled and adjusted in the following articles:

Art. II. For the future security of commerce and friendship between the subjects or their said Majesties, and to the end that this good correspondence may be preserved from all interruption and disturbance, it is concluded and agreed, that if, at any time, there should arise any misunderstanding, breach of friendship, or rupture between the crowns of their Majesties, which God forbid! (which rupture shall not be deemed to exist until the recalling or sending home of the respective ambassadors and ministers) the subjects of each of the two parties residing in the dominions of the other, shall have the privilege of remaining and continuing their trade therein, without any manner of disturbance, so long as they behave peaceably, and commit no offence against the laws and ordinances; and in case their conduct should render them suspected, and the respective governments should be obliged to order them to remove, the term of twelve months shall be allowed them for that purpose, in order that they may remove, with their effects and property, whether entrusted to individuals, or to the state. At the same time it is to be understood, that this favour is not to be extended to those who shall act contrary to the established laws.

Art. III. It is likewise agreed and concluded, that the subjects and inhabitants of the kingdoms, provinces, and dominions of their Majesties, shall exercise no acts of hostility

obedience against each other, either by sea or by land, or in rivers, streams, ports or havens, under any colour or pretence whatsoever; so that the subjects of either party shall receive no patent, commission, or instruction for arming and acting at sea as privateers, nor letters of reprisal, as they are called, from any princes or states, enemies to the other party; nor by virtue, or under colour of such patents, commissions, or reprisals, shall they disturb, infest, or any way prejudice or damage the aforesaid subjects and inhabitants of the King of Great Britain, or of the Most Christian King; neither shall they arm ships in such manner as is above said, or go out to sea therewith. To which end, as often as it is required by either party, strict and express prohibitions shall be renewed and published in all the territories, countries, and dominions of each party wheresoever, that no one shall in any wise use such commissions or letters of reprisal, under the severest punishment that can be inflicted on the transgressors, besides being liable to make full restitution and satisfaction to those to whom they have done any damage; neither shall any letters of reprisal be hereafter granted by either of the said high contracting parties, to the prejudice or detriment of the subjects of the other, except only in such a case wherein justice is denied or delayed; which denial or delay of justice shall not be regarded as verified, unless the petitions of the person, who desires the said letters of reprisal, be communicated to the minister residing there on the part of the prince against whose subjects they are not to be granted, that within the space of four months, or sooner, if it be possible, he may manifest the contrary, or procure the satisfaction which may be justly due.

Art. IV. The subjects and inhabitants of the respective dominions of the two sovereigns shall have liberty, freely and securely, without licence or passport, general or special, by land or by sea, or any other way, to enter into the kingdoms, dominions, provinces, countries, islands, cities, villages, towns, walled or unwalled, fortified or unfortified ports, or territories

whatsoever, of either sovereign situate in Europe, and to return from thence, to remain there, or to pass through the same, and therein to buy and purchase, as they please, all things necessary for their subsistence and use, and they shall mutually be treated with all kindness and favour. Provided, however, that in all these matters, they behave and conduct themselves conformably to the laws and statutes, and live with each other in a friendly and peaceable manner, and promote a reciprocal concord by maintaining a mutual and good understanding.

Art. V. The subjects of each of their said Majesties may have leave and licence to come with their ships, as also with the merchandize and goods on board the same, the trade and importation whereof are not prohibited by the laws of either kingdom, and to enter into the countries, dominions, cities, ports, places, and rivers of either party, situated in Europe, to resort thereto, and to remain and reside there, without any limitation of time; also to hire houses, or to lodge with other persons, and to buy all lawful kinds of merchandizes, where they think fit, either from the first maker or the seller, or in any other manner, whether in the public market for the sale of merchandizes, or in fairs, or wherever such merchandizes are manufactured or sold. They may likewise deposit and keep, in their magazines and warehouses, the merchandizes brought from other parts, and afterwards expose the same to sale, without being in any wise obliged, unless willingly and of their own accord, to bring the said merchandizes to the marts and fairs. Neither are they to be burthened with any impositions or duties on account of the said freedom of trade, or for any other cause whatsoever, except those which are to be paid for their ships and merchandizes, conformably to the regulations of the present treaty, or those to which the subjects of the two contracting parties shall themselves be liable. And they shall have free leave to remove themselves, as also their wives, children, and servants, together with their merchandizes, property, goods, or effects, whether bought or imported,

wherever they shall think fit, out of either kingdom, by land and by sea, on the rivers and fresh waters, after discharging the usual duties; any law, privilege, grant, immunities, or customs, to the contrary thereof in any wise notwithstanding. In matters of religion, the subjects of the two crowns shall enjoy perfect liberty. They shall not be compelled to attend Divine service, whether in the churches or elsewhere; but, on the contrary, they shall be permitted, without any molestation, to perform the exercises of their religion privately in their own houses, and in their own way. Liberty shall not be refused to bury the subjects of either kingdom who die in the territories of the other, in convenient places to be appointed for that purpose; nor shall the funerals or sepulchres of the deceased be in any wise disturbed. The laws and statutes of each kingdom shall remain in full force and vigour, and shall be duly put in execution, whether they relate to commerce and navigation, or to any other right, those cases only excepted, concerning which it is otherwise determined in the articles of this present treaty.

ART. VI. The two high contracting parties have thought proper to settle the duties on certain goods and merchandizes, in order to fix invariably the footing on which the trade therein shall be established between the two nations. In consequence of which they have agreed upon the following tariff, viz.

1st. The wines of France, imported directly from France into Great Britain, shall, in no case, pay any higher duties than those which the wines of Portugal now pay.

The wines of France, imported directly from France into Ireland, shall pay no higher duties than those which they now pay.

2d. The vinegars of France, instead of sixty-seven pounds five shillings and three pence and twelve-twentieths of a penny sterling per ton, which they now pay, shall not for the future pay, in Great Britain, any higher duties than thirty-two pounds eighteen shillings and ten pence and sixteen-twentieths of a penny sterling per ton.

3d. The brandies of France, instead of nine shillings and six pence and twelve-twentieths of a penny sterling, shall for the future pay, in Great Britain, only seven shillings sterling per gallon, making four quarts, English measure.

4th. Oil of olives, coming directly from France, shall, for the future, pay no higher duties than are now paid for the same from the most favoured nations.

5th. Beer shall pay reciprocally a duty of thirty per cent. *ad valorem.*

6th. The duties on hardware, cutlery, cabinet ware, and turnery, and also all works, both heavy and light, of iron, steel, copper, and brass, shall be classed; and the highest duty shall not exceed ten per cent. *ad valorem.*

7th. All sorts of cottons, manufactured in the dominions of the two sovereigns in Europe, and also woollens, whether knit or wove, including hosiery, shall pay, in both countries, an import duty of twelve per cent. *ad valorem;* all manufactures of cotton or wool, mixed with silk, excepted, which shall remain prohibited on both sides.

8th. Cambrics and lawns shall pay, in both countries, an import duty of five shillings, or six livres Tournois, per demi piece of seven yards and three quarters, English measure; and linens, made of flax or hemp, manufactured in the dominions of the two sovereigns in Europe, shall pay no higher duties, either in Great Britain or France, than linens manufactured in Holland or Flanders, imported into Great Britain, now pay.

And linen made of flax or hemp, manufactured in Ireland or France, shall reciprocally pay no higher duties than linens manufactured in Holland, imported into Ireland, now pay.

9th. Saddlery shall reciprocally pay an import duty of fifteen per cent. *ad valorem.*

10th. Gauzes of all sorts shall reciprocally pay ten per cent. *ad valorem.*

11th. Millinery, made up of muslin, lawn, cambric, or gauze of every kind, or of any other article admitted under

the present tariff, shall pay reciprocally a duty of twelve per cent. *ad valorem:* and if any article shall be used therein, which are not specified in the tariff, they shall pay no higher duties than those paid for the same articles by the most favoured nations.

12. Porcelain, earthen-ware, and pottery, shall pay reciprocally twelve per cent. *ad valorem.*

13th. Plate-glass, and glass-ware in general, shall be admitted, on each side, paying a duty of twelve per cent. *ad valorem.*

His Britannic Majesty reserves the right of countervailing, by additional duties on the undermentioned merchandizes, the internal duties actually imposed upon the manufactures, or the import duties which are charged on the raw materials; namely, on all linens or cottons, stained or printed, on beer, glass-ware, plate-glass, and iron.

And his Most Christian Majesty also reserves the right of doing the same, with regard to the following merchandizes; namely, cottons, iron, and beer.

And for the better securing the due collection of the duties payable *ad valorem,* which are specified in the above tariff, the said contracting parties will concert with each other as well the form of the declarations to be made, as also the proper means of preventing fraud with respect to the real value of the said goods and merchandizes.

But if it shall hereafter appear, that any mistakes have inadvertently been made in the above tariff, contrary to the principles on which it is founded, the two sovereigns will concert with good faith upon the means of rectifying them.

Art. VII. The duties above specified are not to be altered but by mutual consent; and the merchandizes not above specified shall pay, in the dominions of the two sovereigns, the import and export duties payable in each of the said dominions by the most favoured European nations, at the time the present treaty bears date; and the ships belonging to the

subjects of the said dominions shall also respectively enjoy therein all the privileges and advantages which are granted to those of the most favoured European nations.

And it being the intention of the two high contracting parties, that their respective subjects should be in the dominions of each other upon a footing as advantageous as those of other European nations, they agree, that in case they shall hereafter grant any additional advantages in navigation or trade to any other European nations, they will reciprocally allow their said subjects to participate therein; without prejudice, however, to the advantages which they reserve, viz. France in favour of Spain, in consequence of the 24th article of the family compact, signed the 10th of May, 1761, and England according to what she has practised in conformity to, and in consequence of the convention of 1703, between England and Portugal.

And to the end that every person may know, with certainty, the state of the aforesaid imposts, customs, import and export duties, whatever they may be, it is agreed, that tariffs, indicating the imposts, customs, and established duties, shall be affixed in public places, as well in Rouën and the other trading cities of France, as in London and the other trading cities under the dominion of the king of Great Britain, that recourse may be had to them whenever any difference shall arise concerning such imposts, customs, and duties, which shall not be levelled otherwise than in conformity to what is clearly expressed in the said tariffs, and according to their natural construction. And if any officer, or other person in his name, shall, under any pretence, publicly or privately, directly or indirectly, demand or take of a merchant, or of any other person, any sum of money, or any thing else, on account of duties, impost, search, or compensation, although it be under the name of a free gift, or under any other pretence, more or otherwise than what is above prescribed; in such case the said officer, or his deputy, if he be accused and convicted of the

same before a competent judge, in the place where the crime was committed, shall give full satisfaction to the injured party, and shall likewise suffer the penalty prescribed by the laws.

Art. VIII. No merchandize exported from the countries respectively under the dominion of their majesties, shall hereafter be subject to be inspected or confiscated, under any pretence of fraud or defect in making or working them, or of any other imperfection whatsoever; but absolute freedom shall be allowed to the buyer and seller to bargain and fix the price for the same, as they shall see good; any law, statute, edict, proclamation, privilege, grant, or custom to the contrary notwithstanding.

Art. IX. Whereas several kinds of merchandizes, which are usually contained in casks, chests, or other cases, and for which the duties are paid by weight, will be exported from, and imported into, France by British subjects; it is agreed, that in such case the aforesaid duties shall be demanded only according to the real weight of the merchandizes; and the weight of the casks, chests, and other cases whatever shall be deducted, in the same manner as has been, and is now, practised in England.

Art. X. It is further agreed, that if any mistake or error shall be committed by any master of a ship, his interpreter or factor, or by any other employed by him, in making the entry or declaration of her cargo, neither the ship nor the cargo shall be subject, for such defect, to confiscation; but it shall be lawful for proprietors to take back again such goods as were omitted in the entry or declaration of the master of the ship, paying only the accustomed duties according to the placart, provided always that there be no manifest appearance of fraud: neither shall the merchants, or the masters of ships, or the merchandize, be subject to any penalty, by reason of such omission, in case the goods omitted in the declaration shall not have been landed before the declaration has been made.

Art. XI. In case either of the two high contracting

parties shall think proper to establish prohibitions, or to augment the import duties upon any goods or merchandize of the growth or manufacture of the other, which are not specified in the tariff, such prohibitions or augmentations shall be general, and shall comprehend the like goods and merchandizes of the other most favoured European nations, as well as those of either state; and in case either of the two contracting parties shall revoke the prohibitions, or diminish the duties in favour of any other European nation, upon any goods or merchandize of its growth or manufacture, whether on importation or exportation, such revocations or diminutions shall be extended to the subjects of the other party, on condition that the latter shall grant to the subjects of the former the importation and exportation of the like goods and merchandizes under the same duties; the cases reserved in the VIIth article of the present treaty always excepted.

Art. XII. And forasmuch as a certain usage, not authorized by any law, has formerly obtained in divers parts of Great Britain and France, by which French subjects have paid in England a kind of capitation tax, called, in the language of that country, head-money; and English subjects a like duty in France, called *argent du chef*; it is agreed, that the said impost shall not be demanded for the future, on either side, neither under the ancient name, nor under any other name whatsoever.

Art. XIII. If either of the high contracting parties has granted, or shall grant, any bounties for encouraging the exportation of any articles, being of the growth, produce, or manufacture of his dominions, the other party shall be allowed to add to the duties already imposed, by virtue of the present treaty, on the said goods and merchandizes imported into his dominions, such an import duty as shall be equivalent to the said bounty. But this stipulation is not to extend to the cases of restitutions of duties and imposts, (called drawbacks,) which are allowed upon exportation.

ART. XIV. The advantages granted by the present treaty to the subjects of his Britannic Majesty shall take effect, as far as relates to the kingdom of Great Britain, as soon as laws shall be passed there for securing to the subjects of his Most Christian Majesty the reciprocal enjoyment of the advantages which are granted to them by the present treaty.

And the advantages granted by all these articles, except the tariff, shall take effect, with regard to the kingdom of Ireland, as soon as laws shall be passed there for securing to the subjects of his Most Christian Majesty the reciprocal enjoyment of the advantages which are granted to them by this treaty; and, in like manner, the advantages granted by the tariff shall take effect, in what relates to the said kingdom, as soon as laws shall be passed there for giving effect to the said tariff.

ART. XV. It is agreed, that ships belonging to his Britannic Majesty's subjects, arriving in the dominions of his Most Christian Majesty, from the port of Great Britain or Ireland, or from any other foreign port, shall not pay freight duty or any other like duty. In the same manner, French ships shall be exempted in the dominions of his Britannic Majesty, from the duty of five shillings, and from every other similar duty or charge.

ART. XVI. It shall not be lawful for any foreign privateers, not being subjects of either crown, who have commissions from any other prince or state, in enmity with either nation, to arm their ships in the ports of either of the said two kingdoms, to sell what they have taken, or in any other manner whatever to exchange the same; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the nearest port of that prince from whom they have obtained commissions.

ART. XVII. When any dispute shall arise between any commander of a ship and his seamen, in the ports of either kingdom, concerning wages due to the said seamen, or other civil causes whatever, the magistrate of the place shall require

no more from the person accused, than that he give to the accuser a declaration in writing, witnessed by the magistrate, whereby he shall be bound to answer that matter before a competent judge in his own country; which being done, it shall not be lawful for the seamen to desert their ship, or to hinder the commander from prosecuting his voyage. It shall moreover be lawful for the merchants in the places of their abode, or elsewhere, to keep books of their accounts and affairs, as they shall see fit, and to have an intercourse of letters, in such language or idiom as they shall chuse, without any molestation or search whatsoever. But if it should happen to be necessary for them to produce their books of accounts for deciding any dispute or controversy, in such case they shall be obliged to bring into court the entire books or writings, but so as the judge may not have liberty to take cognizance of any other articles in the said books than such as shall relate to the affair in question, or such as shall be necessary to give credit to the said books; neither shall it be lawful, under any pretence, to take the said books or writings forcibly out of the hands of the owners, or to retain them, the case of bankruptcy only excepted. Nor shall the subjects of the king of Great Britain be obliged to write their accounts, letters, or other instruments relating to trade, on stamped paper, except their day-book, which, that it may be produced as evidence in any law-suit, ought, according to the laws which all persons trading in France are to observe, to be indorsed and attested gratis by the judge, under his own hand.

Art. XVIII. It is further agreed and concluded, that all merchants, commanders of ships, and others, the subjects of the king of Great Britain, in all the dominions of his Most Christian Majesty in Europe, shall have full liberty to manage their own affairs themselves, or to commit them to the management of whomsoever they please; nor shall they be obliged to employ any interpreter or broker, nor to pay them any salary, unless they shall chuse to employ them. Moreover, masters of

ships shall not be obliged, in loading or unloading their ships, to make use of those persons who may be appointed by public authority for that purpose, either at Bourdeaux or elsewhere; but it shall be entirely free for them to load or unload their ships by themselves, or to make use of such person or persons in loading or unloading the same, as they shall think fit, without the payment of any reward to any other whomsoever; neither shall they be forced to unload into other ships, or to receive into their own, any merchandize whatever, or to wait for their lading any longer than they please. And all the subjects of the Most Christain King shall reciprocally have and enjoy the same privileges and liberties, in all the dominions of his Britannic majesty in Europe.

Art. XIX. The ships of either party being laden, sailing along the coasts of the other, and being forced by storm into the havens or ports, or making land there in any other manner whatever, shall not be obliged to unlade their goods, or any part thereof, or to pay any duty, unless they, of their own accord, unlade their goods there, and sell some part thereof. But it shall be lawful, permission having been first obtained from those who have the direction of maritime affairs, to unlade and sell a small part of their cargo, merely for the end of purchasing necessaries, either for victualling or refitting the ship; and in that case the whole lading shall not be subject to pay the duties, but that small part only which shall have been taken out and sold.

Art. XX. It shall be lawful for all the subjects of the King of Great Britain, and of the Most Christian King, to sail with their ships, with perfect security and liberty, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port whatever, to the countries which are now, or shall be hereafter at war with the king of Great Britain or the Most Christain King. It shall likewise be lawful for the aforesaid subjects to sail and traffic with their ships and merchandizes, with the same liberty and security, from the

countries, ports, and places of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever, and to pass directly not only from the places of the enemy afore-mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same, or of several princes. And as it has been stipulated concerning ships and goods, that every thing shall be deemed free, which shall be found on board the ships belonging to the subjects of the respective kingdoms, although the whole lading, or part thereof, should belong to the enemies of their majesties, contraband goods being always excepted, on the stopping of which such proceedings shall be had as are conformable to the spirit of the following articles; it is likewise agreed, that the same liberty be extended to persons who are on board a free ship, to the end that, although they be enemies to both, or to either party, they may not be taken out of such free ships, unless they are soldiers, actually in the service of the enemies, and on their voyage for the purpose of being employed in a military capacity, in their fleets or armies.

Art. XXI. This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are specified in the following articles, and which are described under the name of contraband.

Art. XXII. Under this name of contraband, or prohibited goods, shall be comprehended arms, cannon, harquebusses, mortars, petards, bombs, granades, saucisses, carcasses, carriages for cannon, musket-rests, bandoleers, gunpowder, match, salt-petre, ball, pikes, swords, head-pieces, helmets, cutlasses, halberds, javelins, holtsters, belts, horses and harness, and all other like kinds of arms and warlike implements fit for the use of troops.

Art. XXIII. These merchandizes which follow shall not be reckoned among contraband goods, that is to say; all sorts of cloth, and all other manufactures of wool, flax, silk, cotton,

or any other materials, all kinds of wearing apparel, together with the articles of which they are usually made, gold, silver, coined or uncoined, tin, iron, lead, copper, brass, coals, as also wheat and barley, and any other kind of corn and pulse, tobacco, and all kinds of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oil, wines, sugar, all sorts of salt, and of provisions which serve for sustenance and food to mankind; also all kinds of cotton, cordage, cabels, sails, sail-cloth, hemp, tallow, pitch, tar, and rosin, anchors and any parts of anchors, ships' masts, planks, timber, of all kinds of trees, and all other things proper either for building or repairing ships. Nor shall any other goods whatever, which have not been worked into the form of any instrument, or furniture for warlike use, by land or by sea, be reputed contraband, much less such as have been already wrought and made up for any other purpose. All which things shall be deemed goods not contraband, as likewise all others which are not comprehended and particularly described in the preceding article; so that they may be freely carried by the subjects of both kingdoms, even to places belonging to an enemy, excepting only such places as are besieged, blocked up, or invested.

Art. XXIV. To the end that all manner of dissensions and quarrels may be avoided and prevented on both sides, it is agreed, that in case either of their Majesties should be engaged in a war, the ships and vessels belonging to the subjects of the other shall be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of abode of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the princes; which passports shall be made out and granted, according to the form annexed to the present treaty: they shall likewise be renewed every year, if the ship happens to return home within the space of a year. It is also agreed, that such ships, when laden, are to be provided not only with passports as above-mentioned, but also

with certificates containing the several particulars of the cargo, the place from whence the ship sailed, and whither she is bound, so that it may be known whether she carries any of the prohibited or contraband goods specified in the XXII. article of this treaty; which certificates shall be prepared by the officers of the place from whence the ship set sail, in the accustomed form. And if any one shall think fit to express, in the said certificates, the person to whom the goods belong, he may freely do so.

Art. XXV. The ships belonging to the subjects and inhabitants of the respective kingdoms, coming to any of the coasts of either of them, but without being willing to enter into port, or being entered, yet not willing to land their cargoes, or break bulk, shall not be obliged to give an account of their landing, unless they are suspected, upon sure evidence, of carrying prohibited goods, called contraband, to the enemies of either of the two high contracting parties.

Art. XXVI. In case the ships belonging to the said subjects and inhabitants of the respective dominions of their most serene Majesties, either on the coast or on the high seas, shall meet with any men of war belonging to their most serene Majesties, or with privateers, the said men of war and privateers, for preventing any inconveniences, are to remain out of cannon-shot, and to send their boats to the merchant-ships which may be met with, and shall enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall shew his passport, containing the proof of the property of the ship, made out according to the form annexed to this present treaty; and the ship which shall have exhibited the same shall have liberty to continue her voyage, and it shall be wholly unlawful any way to molest or search her, or to chase or compel her to alter her course.

Art. XXVII. The merchant-ships belonging to the subjects of either of the two high contracting parties, which intend to go to a port at enmity with the other sovereign, concerning

whose voyage, and the sort of goods on board, there may be just cause of suspicion, shall be obliged to exhibit, as well on the high seas as in ports and havens, not only her passports, but also her certificates, expressing that the goods are not of the kind which are contraband, as specified in the XXII. article of this treaty.

Art. XXVIII. If, on exhibiting the above-mentioned certificates, containing a list of the cargo, the other party should discover any goods of that kind which are declared contraband, or prohibited by the XXII. article of this treaty, and which are designed for a port subject to his enemies, it shall be unlawful to break up or open the hatches, chests, casks, bales, or other vessels found on board such ship, or to remove even the smallest parcel of the goods, whether the said ship belongs to the subjects of the King of Great Britain, or of the Most Christian King, unless the landing be brought on shore, in the presence of the officers of the court of admiralty, and an inventory made by them of the said goods: nor shall it be lawful to sell, exchange, or alienate the same in any manner, unless after due and lawful process shall have been had against such prohibited goods, and the judges of the admiralty respectively shall, by sentence pronounced, have confiscated the same; saving always as well the ship itself, as the other goods found therein, which by this treaty are to be accounted free: neither may they be detained on pretence of their being mixed with prohibited goods, much less shall they be confiscated as lawful prize: and if, when only part of the cargo shall consist of contraband goods, the master of the ship shall agree, consent, and offer to deliver them to the captor who has discovered them, in such case, the captor having received those goods as lawful prize, shall forthwith release the ship, and not hinder her, by any means, from prosecuting her voyage to the place of her destination.

Art. XXIX. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of

either party, on any ship belonging to the enemies of the other, although it be not contraband goods, shall be confiscated in the same manner as if it belonged to the enemy himself; except those goods and merchandizes which were put on board such ship before the declaration of war, or the general order for reprisals, or even after such declaration, if it were done within the times following; that is to say, if they were put on board such ship in any port or place within the space of two months after such declaration or order for reprisals, between Archangel, St. Petersburgh, and the Scilly islands, and between the said islands and the city of Gibraltar; of ten weeks in the Mediterranean sea; and of eight months in any other country or place in the world; so that the goods of the subjects of either prince, whether they be contraband, or otherwise, which, as aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, within the time and limits above-mentioned, shall no ways be liable to confiscation, but shall well and truly be restored, without delay, to the proprietors demanding the same; provided nevertheless, that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to the ports belonging to the enemy.

ART. XXX. And that more abundant care may be taken for the security of the respective subjects of their most serene Majesties, to prevent their suffering any injury by the men of war or privateers of either party, all the commanders of the ships of the King of Great Britain, and of the Most Christian King, and all their subjects, shall be forbid doing any damage to those of the other party, or committing any outrage against them; and if they act to the contrary they shall be punished, and shall moreover be bound, in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of what nature soever.

ART. XXXI. For this cause, all commanders of privateers, before they receive their patents, or special commissions, shall

hereafter be obliged to give, before a competent judge, sufficient security by good bail, who are responsible men, and have no interests in the said ship, each of whom shall be bound in the whole for the sum of thirty-six thousand livres Tournois, or fifteen hundred pounds sterling; or if such ship be provided with above one hundred and fifty seamen or soldiers, for the sum of seventy-two thousand livres Tournois, or three thousand pounds sterling, that they will make entire satisfaction for all damages and injuries whatsoever, which they, or their officers, or others in their service, may commit during their cruize, contrary to the tenor of this present treaty, or the edicts made in consequence thereof by their most serene Majesties, under penalty likewise of having their patents and special commissions revoked and annulled.

Art. XXXII. Their said Majesties being willing, mutually, to treat in their dominions the subjects of each other as favourably as if they were their own subjects, will give such orders as shall be necessary and effectual, that the judgments and decrees, concerning prizes in the courts of admiralty, be given conformably to the rules of justice and equity, and to the stipulations of this treaty, by judges who are above all suspicion, and who have no manner of interest in the cause in dispute.

Art. XXXIII. And when the quality of the ship, goods, and master, shall sufficiently appear, from such passports and certificates, it shall not be lawful for the commanders of men of war to exact any further proof under any pretext whatsoever. But if any merchant-ship shall not be provided with such passports or certificates, then it may be examined by a proper judge, but in such manner as, if it shall be found, from other proofs and documents, that it truly belongs to the subjects of one of the sovereigns, and does not contain any contraband goods, designed to be carried to the enemy of the other, it shall not be liable to confiscation, but shall be released, together with its cargo, in order to proceed on its voyage.

If the master of the ship, named in the passports, should

happen to die, or be removed by any other cause, and another put in his place, the ships and goods laden thereon shall nevertheless be equally secure, and the passports shall remain in full force.

Art. XXXIV. It is further provided and agreed, that the ships of either of the two nations, retaken by the privateers of the other, shall be restored to the former owner, if they have not been in the power of the enemy for the space of four and twenty hours, subject to the payment, by the said owner, of one-third of the value of the ship retaken, and of its cargo, guns, and apparel; which third part shall be amicably adjusted by the parties concerned: but if not, and in case they should disagree, they shall make application to the officers of the admiralty of the place where the privateer which retook the captured vessel shall have carried her.

If the ship retaken has been in the power of the enemy above four and twenty hours, she shall wholly belong to the privateer which retook her.

In case of a ship being retaken by any man of war belonging to his Britannic Majesty, or to his Most Christian Majesty, it shall be restored to the former owner, on payment of the thirtieth part of the value of such ship, and of its cargo, guns, and apparel, if it was retaken within the four and twenty hours, and the tenth part if it was retaken after the four and twenty hours; which sums shall be distributed, as a reward, amongst the crews of the ships which shall have retaken such prize. The valuation of the thirtieth and tenth parts abovementioned shall be settled conformably to the regulations in the beginning of this article.

Art. XXXV. Whensoever the ambassadors of either of their said Majesties, or other their ministers, having a public character, and residing at the court of the other prince, shall complain of the injustice of the sentences which have been given, their Majesties shall respectively cause the same to be revised and re-examined in their councils, unless their councils

should already have decided thereupon, that it may appear, with certainty, whether the directions and provisions prescribed in this treaty have been followed and observed. Their Majesties shall likewise take care that this matter be effectually provided for, and that justice be done to every complainant within the space of three months. However, before or after judgment given, and pending the revision thereof, it shall not be lawful to sell the goods in dispute, or to unlade them, unless with the consent of the persons concerned, for preventing any kind of loss: and laws shall be enacted on both sides for the execution of the present article.

Art. XXXVI. If any differences shall arise respecting the legality of prizes, so that a judicial decision should become necessary, the judge shall direct the effects to be unladen, an inventory and appraisement to be made thereof, and security to be required respectively from the captor for paying the costs, in case the ship should not be declared lawful prize; and from the claiment for paying the value of the prize, in case it should be declared lawful; which securities being given by both parties, the prize shall be delivered up to the claimant. But if the claimant should refuse to give sufficient security, the judge shall direct the prize to be delivered to the captor, after having received from him good and sufficient security for paying the full value of the said prize, in case it should be adjudged illegal. Nor shall the execution of the sentence of the judge be suspended by reason of any appeal, when the party against whom such appeal shall be brought, whether claimant or captor, shall have given sufficient security for restoring the ship or effects, or the value of such ship or effects, to the appellant, in case judgment should be given in his favour.

Art. XXXVII. In case any ships of war or merchantmen, forced by storms or other accidents, be driven on rocks or shelves, on the coasts of either of the high contracting parties, and should there be dashed to pieces and shipwrecked, all such parts of the said ships, or of the furniture or apparel thereof,

as also of the goods and merchandizes as shall be saved, or the produce thereof, shall be faithfully restored, upon the same being claimed by the proprietors, or their factors, duly authorized, paying only the expenses incurred in the preservation thereof, according to the rate of salvage settled on both sides; saving at the same time the rights and customs of each nation, the abolition or modification of which shall however be treated upon, in the cases where they shall be contrary to the stipulations of the present article; and their majesties will mutually interpose their authority, that such of their subjects as shall be so inhuman as to take advantage of any such misfortune, may be severely punished.

ART. XXXVIII. It shall be free for the subjects of each party to employ such advocates, attornies, notaries, solicitors, and factors, as they shall think fit; to which end the said advocates and others above-mentioned, shall be appointed by the ordinary judges, if it be needful, and the judges be thereunto required.

ART. XXXIX. And for the greater security and liberty of commerce and navigation, it is further agreed, that both the King of Great Britain, and the Most Christian King, shall not only refuse to receive any pirates, or sea-rovers whatsoever, into any of their havens, ports, cities, or towns, or permit any of their subjects, citizens, or inhabitants, on either part, to receive or protect them in their ports, to harbour them in their houses, or to assist them in any manner whatsoever; but further, they shall cause all such pirates and sea-rovers, and all persons who shall receive, conceal, or assist them, to be brought to condign punishment, for a terror and example to others. And all their ships, with the goods or merchandizes taken by them, and brought into the ports of either kingdom, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors duly authorized, or deputed by them in writing, proper evidence being first given, in the court of admiralty, for proving the property,

even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or might have known, that they had been piratically taken. And, generally, all ships and merchandizes, of what nature soever, which may be taken on the high seas, shall be brought into some port of either kingdom, and delivered into the custody of the officers of that port, that they may be restored entire to the true proprietor, as soon as due and sufficient proof shall have been made concerning the property thereof.

Art. XL. It shall be lawful, as well for the ships of war of their Majesties, as for privateers belonging to their subjects, to carry, whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at, and enter the ports of, their said Majesties, be detained or seized; neither shall the searchers, or other officers of those places, visit or take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail at any time, to depart, and to carry their prizes to the place mentioned in the commissions or patents, which the commanders of such ships of war shall be obliged to shew: on the contrary, no shelter or refuge shall be given in their ports to such as have made prize upon the subjects of either of their Majesties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire from thence as soon as possible, as far as it is not repugnant to former treaties made in this respect with other sovereigns or states.

Art. XLI. Neither of their said Majesties shall permit the ships or goods belonging to the subjects of the other to be taken within cannon-shot of the coast, or in the ports or rivers of their dominions, by ships of war, or others having commission from any prince, republic, or city, whatsoever: but in case it should so happen, both parties shall employ their united force to obtain reparation of the damage thereby occasioned.

Art. XLII. But if it shall appear that the captor made use of any kind of torture upon the master of the ship, the crew, or others who shall be on board any ship belonging to the subjects of the other party, in such case, not only the ship itself, together with the persons, merchandizes, and goods whatsoever, shall be forthwith released, without any delay, and set entirely free, but also such as shall be convicted of so enormous a crime, together with their accomplices, shall suffer the most severe punishment suitable to their offences: this the King of Great Britain, and the Most Christian King, mutually engage shall be observed, without any respect of persons whatsoever.

Art. XLIII. Their Majesties shall respectively be at liberty, for the advantage of their subjects trading to the kingdoms and dominions of either of them, to appoint therein national consuls, who shall enjoy the right, immunity, and liberty belonging to them, by reason of their duties and their functions: and places shall hereafter be agreed upon where the said consuls shall be established, as well as the nature and extent of their functions. The convention relative to this point shall be concluded immediately after the signature of the present treaty, of which it shall be deemed to constitute a part.

Art. XLIV. It is also agreed, that in whatever relates to the lading and unlading of ships, the safety of merchandize, goods, and effects, the succession to personal estates, as well as the protection of individuals, and their personal liberty, as also the administration of justice, the subjects of the two high contracting parties shall enjoy, in their respective dominions, the same privileges, liberties, and rights, as the most favoured nation.

Art. XLV. If hereafter it shall happen, through inadvertency or otherwise, that any infractions or contraventions of the present treaty should be committed on either side, the friendship and good understanding shall not immediately thereupon be interrupted; but this treaty shall subsist in all its force, and

proper remedies shall be procured for removing the inconveniences, as likewise for the reparation of the contraventions; and if the subjects of either kingdom shall be found guilty thereof, they only shall be punished and severely chastised.

Art. XLVI. His Britannic Majesty and his Most Christian Majesty have reserved the right of revising and re-examining the several stipulations of this treaty, after the term of twelve years, to be computed from the day of passing laws for its execution in Great Britain and Ireland respectively, to propose and make such alterations as the times and circumstances may have rendered proper or necessary for the commercial interests of their respective subjects: and this revision is to be completed in the space of twelve months; after which term the present treaty shall be of no effect, but in that event the good harmony and friendly correspondence between the two nations shall not suffer the least diminution.

Art. XLVII. The present treaty shall be ratified and confirmed by his Britannic Majesty, and by his Most Christian Majesty, in two months, or sooner if it can be done, after the exchange of signatures between the plenipotentiaries.

In witness whereof, we, the undersigned commissaries and plenipotentiaries of the King of Great Britain, and the Most Christian King, have signed the present treaty with our hands, and have set thereto the seals of our arms.

Done at Versailles, the 26th of September, 1786.

Wm. Eden. (L. S.)

Gerard de Rayneval. (L. S.)

APPENDIX C.

A copy of the Treaty of defensive Alliance between his Britannic Majesty and their High Mightinesses the States-General of the United Provinces. Signed at the Hague, the 25th of April, 1788.

The mutual and sincere friendship which has so long subsisted between his Majesty the King of Great Britain, and the Lords the States-General of the United Provinces, having been increased and strengthened by the interest which his Britannic Majesty has lately manifested in the preservation of the independence of the republic, and of its legal constitution, his said Majesty, and the said Lords States-General of the United Provinces, have resolved, in order to cement, in the most solid and lasting manner, the good harmony, confidence, and correspondence between them, to form permanent engagements, by a treaty of defensive alliance for the good of both parties, and for the maintainance of the general tranquillity, as well as of their own in particular. To accomplish so salutary a purpose, his Majesty, the King of Great Britain, has named and authorised Sir James Harris, Privy Councellor, Knight of the Bath, member of the Parliament of Great Britain, and his Majesty's ambassador extraordinary and plenipotentiary to their high mightinesses; and their High Mightinesses, the States-General of the United Provinces, have named and authorised their deputies for foreign affairs; who, after

communicating to each other their full powers in due form, and having conferred together, have agreed upon the following articles:

Art. I.—There shall be a sincere, firm, and constant friendship and union between his Britannic Majesty, his heirs and successors, and the Lords the States-General of the United Provinces, so that the high contracting parties shall direct their utmost attention to maintain this mutual friendship and correspondence between them, and their dominions and subjects; and they engage to contribute, as far as shall be in their power, mutually to preserve and defend each other in peace and tranquillity.

Art. II.—In case either of the high contracting parties should be hostilely attacked by any European power, in any part of the world whatsoever, the other contracting party engages to succour its ally, as well by sea as by land, in order to maintain and guaranty each other mutually in the possession of all the dominions, territories, towns, places, franchises, and liberties, which belonged to them respectively before the commencement of hostilities.

Art. III.—His Britannic Majesty guaranties, in the most effectual manner, the hereditary Stadtholderate, as well as the office of hereditary governor of each province, in the serene house of Orange, with all the rights and prerogatives thereto belonging, as forming an essential part of the constitution of the United Provinces, according to the resolutions and diplomas of the year 1747 and 1748, by virtue of which the present Stadtholder entered into the possession of those offices in 1766, and was re-stated therein in 1788: engaging to maintain that form of government against all attacks and enterprizes, direct or indirect, of whatsoever nature they may be.

Art. IV.—The succours mentioned in the second article of this treaty of defensive alliance, shall consist, on the part of his Britannic Majesty, of eight thousand infantry, two

thousand cavalry, twelve ships of the line, and eight frigates, which respective succours shall be furnished in the space of two months after requisition made by the party attacked, and shall remain at its disposal during the whole continuance of the war in which it shall be engaged, whilst those succours (whether ships and frigates, or troops) shall be paid and maintained by the power of whom they shall be required, wherever its ally shall employ them.

Art. V.—In case the stipulated succours should not be sufficient for the defence of the power requiring them, the power to whom requisition shall be made shall successively augment them, according to the wants of its ally; whom it shall assist, even with its whole force, if circumstances should render it necessary; but it is expressly agreed, in all cases, that the contingent of the Lords the States-General shall not exceed ten thousand infantry, two thousand cavalry, sixteen ships of the line, and sixteen frigates.

Art. VI.—But as it may happen (considering the distance of several of the possessions of the two high contracting parties) that the advantages, which ought to result to them reciprocally from the conclusion of the present treaty, may become illusory, unless measures can be taken for the mutual defence of those possessions, before their respective governors could receive orders from Europe for that purpose; it is stipulated and agreed, that in case either of them should be hostilely attacked, or even menaced with an hostile attack, in its possessions, whether in Africa or in Asia, by any European power, the governors of their settlements, in those parts of the world, shall be enjoined to concert together the succour to be furnished, and, in case of need, to furnish such succours, in the most speedy and effectual manner, to the party attacked; and that orders to that effect shall be expedited to the said governors immediately after the conclusion of the present treaty: and in case the two high contracting parties should be obliged to furnish the aforesaid succours, they shall not permit

the ships of war, of what nature they may be, of the power attacking, to enter into any of their ports in the aforesaid settlements, until peace shall be restored between the party attacking, and the ally of the contracting party, unless the said vessels be forced to take refuge there, to avoid perishing, or being shipwrecked.

Art. VII.—If it should happen that the two high contracting parties shall be equally involved in a war against a common enemy, they reciprocally promise each other not to disarm but by common consent; and they shall communicate to each other, confidentially, the proposals for a peace, or truce, which may be made.

Art. VIII.—If the high contracting parties prefer furnishing their succours of troops in money, they shall be at liberty on each side so to do; and then such succour shall be computed at one hundred thousand florins, Dutch currency, per annum, for one thousand infantry, and at one hundred and twenty thousand florins, of like value, for one thousand cavalry, per annum, and in the same proportion by the month.

Art. IX.—The power of requiring shall be obliged, whether the ships, frigates, and troops with which it shall have been furnished, remain for a long or short time in its ports, to provide whatever they may want at the same price as if they belonged to such power itself. It has been agreed, that the said troops, or ships, shall not in any case be at the expense of the party requiring, but that they shall nevertheless remain at its disposal, during the whole continuance of the war in which it shall be engaged. The succours abovementioned shall, with respect to dicipline, be subject to the orders of the chief officer who commands them; and they shall not be employed separately, or otherwise than in concert with the said commanding officer: with regard to the operations, they shall be wholly subject to the orders of the commander in chief of the power requiring.

Art. X.—It is agreed, that until the two powers conclude a treaty of commerce with each other, the subjects of the republic shall be treated, in the kingdoms of Great Britain and Ireland, as the most favoured nation: and the same shall be observed in the United Provinces towards the subjects of his Britannic Majesty.—It is, however, to be understood, that this article is not to extend to a diminution of the import duties payable upon linens.

Art. XI.—Whereas by the fourth article of the treaty of peace, signed in the month of June, 1784, his Britannic Majesty engaged to treat with the Lords the States-General for the restitution of Negapatnam, with its dependencies, in case the said Lords the States-General should in future have any equivalent to give; and whereas their high mightinesses have now renewed their request for obtaining that restitution, as well as settling and determining precisely the sense of the sixth article of that treaty, concerning the navigation of British subjects in the eastern seas; his Britannic Majesty, in order to manifest his good-will towards the republic, is disposed to concur in these desires of their high mightinesses, and even to secure to the republic additional and real commercial advantages in that part of the world, as soon as an equivalent for those objects can be agreed upon: in return for which his Britannic Majesty will require nothing but what is favourable to the reciprocal interests and security of the contracting parties in the Indies: and, to prevent the negotiations for such arrangements from retarding the conclusion of the present treaty, it is agreed that they shall be begun as soon as possible, and be concluded in the space of six months from the date of the present treaty; and that the convention to be made thereon shall have the same force as if it was inserted in the treaty.

Art. XII.—The present treaty shall be ratified on each side, and the exchange, or ratifications, shall be made in the space of six weeks, or sooner if it can be done.

Done at the Hague, the fifteenth of April, one thousand seven hundred and eighty-eight.

(L. S.) JAMES HARRIS.
(L. S.) J. W. CONTE DE WELDREN.
(L. S.) W. F. H. VAN WASSENAER.
(L. S.) L. P VAN DE SPIEGEL.
(L. S.) GUILLAUME DE CITTERS.
(L. S.) W. N. PESTERS.
(L. S.) CHARLES BIGOT.
(L. S.) M. B. C. VAN VIERST VAN BORGEL

APPENDIX D.

Copy of the Treaty of Defensive Alliance, between his Majesty the King of Great Britain, and his Majesty the King of Prussia.*

THEIR Majesties the king of Great Britain, and the king of Prussia, being animated with a sincere and equal desire to improve and consolidate the strict union and friendship which, having been transmitted to them by their ancestors, so happily subsist between them, and to concert the most proper measures for securing their mutual interests, and the general tranquillity of Europe, have resolved to renew and strengthen these ties by a treaty of defensive alliance; and they have authorized for this purpose (to wit) his Majesty the King of Great Britain, the Sieur Joseph Ewart, his envoy extraordinary at the court of Berlin; and his Majesty the King of Prussia, the Sieur Ewald Frederick count de Hertzberg, his minister of state, and of the cabinet, knight of the order of the Black Eagle; who, after reciprocally communicating their full powers to each other, have agreed upon the following articles:

ART. I.—There shall be a perpetual, firm, and unalterable friendship, defensive alliance, and strict and inviolable union, together with an intimate and perfect harmony and correspondence, between the said most serene Kings of Great Britain and Prussia, their heirs and successors, and their respective kingdoms, dominions, provinces, countries, and sub-

* The provisional treaty upon which this was grounded, at Loo, by the Sieur P. C. de'Alvensleben, on the part of his Prussian Majesty, and Sir James Harris, now lord Malmesbury, on behalf of his Britannic Majesty, on June 15th, 1788.

jects, which shall be carefully maintained and cultivated, so that the contracting powers shall constantly employ, as well their utmost attention as also those means which Providence has put in their power, for preserving at the same time the public tranquillity and security, for maintaining their common interests, and for their mutual defence and guaranty against every hostile attack; the whole in conformity to the treaties already subsisting between the two high contracting parties, which shall remain in full force and vigour, and shall be deemed to be renewed by the present treaty, as far as the same shall not be derogated from, with their own consent, by posterior treaties, or by the present treaty.

Art. II.—In consequence of the engagement contracted by the preceding article, the two high contracting parties shall always act in concert for the maintainance of peace and tranquillity; and in case either of them should be threatened with a hostile attack by any power whatever, the other shall employ his most efficacious good offices for preventing hostilities, for procuring satisfaction to the injured party, and for effecting an accommodation in a conciliatory manner.

Art. III.—But if those good offices should not have the desired effect, in the space of two months, and either of the two high contracting parties should be hostilely attacked, molested, or disturbed, in any of his dominions, rights, possessions, or interests, or in any manner whatever, by sea or land, by any European power, the other contracting party engages to succour his ally without delay, in order to maintain each other reciprocally in the possession of all the dominions, territories, towns, and places, which belonged to them before the commencement of such hostilities: for which end, if his Prussian Majesty should happen to be attacked, his Majesty the King of Great Britain shall furnish to his Majesty the King of Prussia a succour of sixteen thousand infantry, and four thousand cavalry; and if his Britannic Majesty should happen to be attacked, his Majesty the King of Prussia shall likewise

furnish to him succour of sixteen thousand infantry, and four thousand cavalry; which respective succours shall be furnished in the space of two months after requisition made by the party attacked, and shall remain at his disposal during the whole continuance of the war in which he shall be engaged. These succours shall be paid and maintained by the required power, wherever his ally shall employ them; but the requiring party shall supply them, in his dominions, with such bread and forage as may be necessary, upon the footing to which his own troops are accustomed.

It is nevertheless agreed between the high contracting parties, that if his Britannic Majesty should be in the case of receiving the succour in troops from his Prussian Majesty, his Britannic Majesty shall not employ them out of Europe, nor even in the garrison of Gibraltar.

If the injured and requiring party should prefer succours in money to land forces, he shall have his choice; and, in case of the two high contracting parties furnishing to each other the stipulated succours in money, such succours shall be computed at one hundred thousand florins, Dutch currency, per annum, for one thousand infantry, and at one hundred and twenty thousand florins, of the like value, for one thousand cavalry, per annum, or in the same proportion by the month.

Art. IV.—In case the stipulated succours should not be sufficient for the defence of the requiring power, the required power shall augment them, according to the exigency of the case, and shall assist the former with his whole force, if circumstances shall render it necessary.

Art. V.—The high contracting parties hereby renew, in the most express terms, the provisional treaty of defensive alliance, which they concluded at Loo, on the 13th of June, in the present year, and they again engage and promise to act, at all times, in concert, and with mutual confidence, for maintaining the security, independence, and government of the republic of the United Provinces, conformably to the

engagements which they have lately contracted with the said republic; that is to say, his Britannic Majesty, by a treaty concluded at the Hague, on the 15th of April, 1788, and his Prussian Majesty, by a treaty signed the same day at Berlin, which the said high contracting parties have communicated to each other.

And if it shall happen that, by virtue of the stipulations of the said treaties, the high contracting parties should be obliged to augment the succours to be given to the States General, above the numbers specified in the said treaties, or to assist them with their whole force, the said high contracting parties will concert together upon all that may be necessary relative to such an augmentation of succours to be agreed on, and to the employment of their respective forces for the security and defence of the said republic.

In case either of the said high contracting parties should, at any time hereafter, be attacked, molested, or disturbed, in any of his dominions, rights, possessions, or interests, in any manner whatever, by sea or by land, by any other power, in consequence and in hatred of the articles or stipulations contained in the said treaties, or of the measures to be taken by the said contracting parties respectively, in virtue of these treaties, the other contracting party engages to succour and assist him against such attack, in the same manner, and by the same succours, as are stipulated in the 3d and 4th articles of the present treaty; and the said contracting parties promise, in all similar cases, to maintain and guaranty each other in the possession of all the dominions, towns, and places, which belonged to them respectively before the commencement of such hostilities.

Art. VI.—The present treaty of defensive alliance shall be ratified by each party, and the ratification shall be exchanged in the space of six weeks, or sooner, if it can be done.

In witness whereof, we, the under-written, being authorized by the full powers of their Majesties, the Kings of

Great Britain and of Prussia, have, in their names, signed the present treaty, and have thereto set the seals of our arms.

Done at Berlin, the thirteenth of August, in the year of our Lord, one thousand seven hundred and eighty-eight.

(L. S.) JOSEPH EWART.

(L. S.) EWALD FREDERIC COMTE DE HERTZBERG.

END OF VOL. I.

G. SIDNEY, Printer,
Northumberland-Street, Strand.

ERRATA TO VOL. I.

Page 2, line 2, for controling, read controlling.
—— 5, — 16, for *naval*, read novel.
—— 8, last line, for " *was*," read were.
—— 30, line 3, from the bottom, for *is*, read was.
—— 37, — 20, for " North*ampton*," read North*ington*.
—— 53, — 20, for e*n*change, read exchange.
—— 121, — 10, for serving, read securing.
—— 141, last line, for *on*, read in.
—— 174, line 3, for impo*r*ts, read impo*s*ts.
—— 185, — 20, for offices, read offic*ers*.
—— 197, — 4, for to a part of the plan to Mr. Fox's objections, read Mr. Fox's objections to a part of the plan.
—— 239, — 12, for *many*, read navy.
—— —— — 24, for bank*s*, read bank.
—— 268, — 3, dele "to," before " appear."
—— 280, — 10, for " *they might think*," read might be thought.
—— 282, — 7, from the bottom, for " ambassador*s*," read ambassador.
—— 297, — 6, dele comma, after " imported."
—— 329, — 18, dele " a," after " were."
—— 333, — 1, for " *amiable*," read ami*c*able.
—— 350, — 19, for " to*u*sa," read to*n*sa.
—— 362, — 5, " put," after " effectual."
—— ——, — 22, for " imes, read times.
—— 368, — 4, from the bottom, for " perspecuit[illegible]," read per*s*picuity.
—— 378, note, last line, for " *where*," read whe[illegible].
—— 381, line 11, for *were* read was.
—— 430, — 17, dele comma, after " personal."
—— 432, — 16, dele comma, after " Prince."
—— 444, — 8, for " th*e*se, read th*o*se.
—— 448, — 2, for " Mont*norris*, read Montmorin.
—— 457, last line, for " as," read on.
—— 458, line 6, from the bottom, for " the upon," read upon the.
—— 466, — 17, insert a comma after " complete," and dele comma after " incumbrances."
—— 495, — 14, for " require," read receive.
—— 496, — 4, from the bottom, for " they," read it.